

# The Liquor Traffic in the Prima Persona

By J. M. G. B. B. B. B. B.

Author of "The Liquor Traffic in the

Prima Persona"

By J. M. G. B. B. B. B.

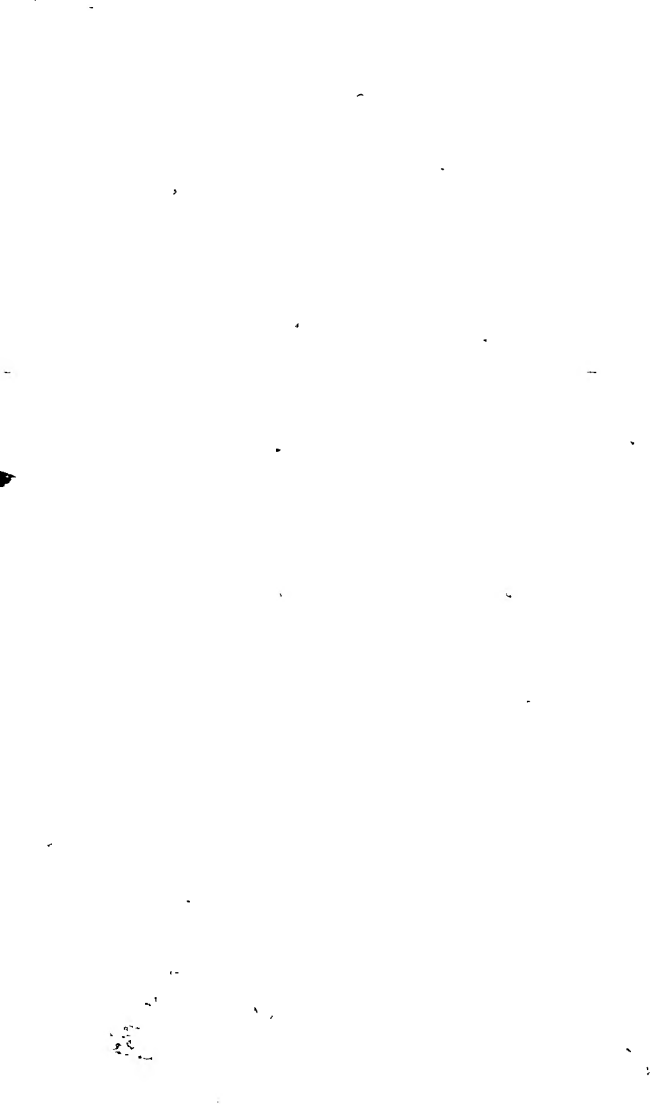
Author of "The Liquor Traffic in the

Prima Persona"

By J. M. G. B. B. B. B.

Author of "The Liquor Traffic in the

Prima Persona"

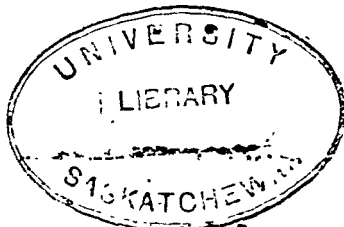


---

# The Liquor Traffic in the Prairie Provinces

by

Rev. Principal Edmund H. Oliver,  
Ph. D., F.R.S.C.  
Presbyterian Theological College  
Saskatoon, Sask.



122444

MARCH, 1923

THE BOARD OF HOME MISSIONS AND SOCIAL SERVICE  
PRESBYTERIAN CHURCH IN CANADA

114

5080

50840



## PREFACE.

So far as it concerns Canada, the battle against the Liquor Traffic was never waged more successfully than to-day. In the present struggle FACTS are the chief offensive weapons. Facts are said to be "God's arguments." In this case they have been unfailing in their effectiveness.

The Board of Home Missions and Social Service of the Presbyterian Church has prepared a somewhat comprehensive historical review of movements in various parts of the Dominion, governing the sale of intoxicating liquors. Competent students have carefully studied Provincial and Federal Acts of Parliament, and have examined the results produced by Temperance organizations throughout the Dominion. The conclusions reached appear in separate pamphlets. They deal with the situation in British Columbia, the Prairie Provinces, Ontario, Quebec and the Maritime Provinces.

These documents show the powerful hold the liquor traffic has had on Canadian Life. They unfold a long, sad story of crime, sorrow and misery. The gradual rise of indignation on the part of the Canadian people against the ravages of alcohol is traced and accurate statements of the present situation are presented.

Phenomenal progress has been made by the advocates of prohibition in Canada during the past decade. It was a distinct advance to secure the abolition of the "open" bar. Commercial considerations alone

make it impossible for the "bar" as an institution to reappear. Another encouraging feature has been the quiet but effective way in which objections to prohibitory laws have been overcome. It was said that proper hotel accommodation could not be maintained. This objection is not urged to-day. The assertion was made that Prohibition would deprive people of employment. This cry is no longer raised. Prohibition would increase the use of drugs, it was declared. The Honorable Dr. Beland disposed of this contention in his speech in Parliament on the 19th of May last. He reported prosecutions throughout the Provinces last year, for illicit dealing in drugs, to be as follows:—

*British Columbia .....	315
Alberta .....	91
Saskatchewan .....	88
Manitoba .....	15
Ontario .....	66
New Brunswick .....	14
Nova Scotia .....	8
Prince Edward Island .....	0
*Quebec .....	237

---

\*Under a system of Government sale of liquor

It will be seen that out of 834 convictions, 55½ were in the Provinces of British Columbia and Quebec. Again, it was maintained that Prohibition could not be enforced. Existing Prohibition laws in Canada are new, and for that reason, if for no other, will, for a long time, be misunderstood and misrepresented. The enforcement of any law depends on the power of public opinion behind it. Public opinion is formed from state-

ments people believe to be true. Hence the wisdom of presenting facts and contradicting false or exaggerated reports respecting the operation of Prohibition laws.

Three things are a present and pressing necessity in order to hold what has been gained and to move to still higher ground:—

**First—Propaganda.** Full publicity must be given to the benefits already secured by the present prohibitory laws.

**Second—Education.** Apart from the moral issues involved, what a wealth of material is available for this purpose!

For example—

1. Scientific facts proved by observation and experiment.
2. Statistics gathered by trustworthy agencies.
3. Economic data as to the efficiency of workers who do not use alcohol.
4. Startling differences between “dry” and “wet” communities.

The younger generation must be shown in public school and Sunday School, the deadly effects of alcohol. They must know the history of struggles endured by their parents to liberate Canada from a ruthless tyranny which has always accompanied the traffic in strong drink.

**Third—Co-operation.** It must be regarded as a national obligation resting on all good citizens to assist

in the enforcement of prohibition laws which were enacted following a direct mandate of the people.

These pamphlets are sent out, therefore, in the hope that they may help to deliver Canada from an evil which, because of its nature, is an enemy of human happiness and a barrier to national progress.

D. N. McLACHLAN,

For the Board of Home Missions  
and Social Service.

# THE USE AND REGULATION OF LIQUOR ON THE PRAIRIES.

By Rev. Principal Edmund H. Oliver, Ph.D., F.R.S.C.,  
Presbyterian Theological College,  
Saskatoon, Saskatchewan.

## PREFACE.

This Study was undertaken as a piece of historical writing to serve as a basis for a course of lectures on the Social Problems of the Prairies. This course was prepared for the students of the First Year in the Presbyterian Theological College, Saskatoon. The students were encouraged to contribute discussions prepared by themselves on such topics as The New Canadian, The Marketing of Grain, The Social Significance of Home Missions, The Grain Growers' Association, etc. It has now been thought worth while to offer the investigation to a larger audience than that for which it was originally undertaken.

The writer desires to acknowledge his indebtedness to those who have assisted him in this work. He has had constant recourse to the old files of the press of the Prairies, and has received invariable kindness and help from those associated with the editorial departments of the following: The Manitoba Free Press, The Morning Leader, The Moose Jaw Times, The Saskatoon Star, The Edmonton Bulletin, The Edmonton Journal. Governmental officials have given him access to records kept in the Parliamentary vaults. The Secretaries of the Social Service Councils, the Officers of the Liquor Commissions of all three Provinces, the Director of Social Service of the Province

of Saskatchewan, have placed their knowledge and their publications and reports at the disposal of the writer (and he has not hesitated to make generous use of anything that he deemed of value). Several of these have read the manuscript while it was in course of preparation and have offered suggestions of great importance.

Grateful acknowledgment is herewith made of the encouragement given by Rev. D. N. McLachlan, B.D. of the Board of Home Missions and Social Service of the Presbyterian Church in Canada. It is his belief, no less than the writer's, that true information and knowledge of the facts constitute the best weapon in the hands of the social worker and the safest guide for men and women who possess the franchise.

As these words are being penned the news arrives from The Pas that Premier John Bracken will give the people of Manitoba an opportunity to pass judgment on the question of Prohibition. As was anticipated in this Study, the battle to retain the positions won begins in that Province. The eyes of the Prairies are on Manitoba. The storm centre will be Winnipeg. If the Liquor Forces break through in Manitoba they will push the fight westward to Saskatchewan and Alberta.

EDMUND H. OLIVER,

Presbyterian Theological College,  
Saskatoon, Saskatchewan,

September 1st, 1922

# THE USE AND REGULATION OF LIQUOR ON THE PRAIRIES.

## I.—INTRODUCTION.

II.—THE PERIOD OF FUR TRADE AND EXPLORATION, FROM THE ROYAL CHARTER TO THE UNION OF THE COMPANIES, 1670-1821.

III.—WITH THE FUR TRADE FROM THE UNION OF THE COMPANIES TO THE CONFEDERATION WITH THE DOMINION OF CANADA, 1821-1870.

IV.—DISTRICT OF ASSINIBOIA OR THE RED RIVER SETTLEMENT, 1812-1870.

V.—THE CONSTITUTIONAL DEVELOPMENT OF THE PRAIRIES AFTER THE TRANSFER TO THE DOMINION OF CANADA.

VI.—THE PROVINCE OF MANITOBA.

VII.—THE NORTH-WEST TERRITORIES.

VIII.—THE PROVINCE OF SASKATCHEWAN.

IX.—THE PROVINCE OF ALBERTA.

X.—THE PRESENT SITUATION.

## CHRONOLOGICAL TABLE.

May 2, 1670—Granting of Charter of Hudson's Bay Company.

June 12, 1811—Granting to Selkirk of the Red River

Sept. 4, 1812—Governor Macdonell takes formal possession of the Settlement.

1821—Union of the Fur Companies.

1870—Manitoba and the North-West Territories enter Confederation.

1875—The North-West Territories' Act.

1892—The Territories given power to regulate the liquor traffic and to issue licenses.

Sept. 29, 1898—The vote on Dominion Prohibition.

June 11, 1900—Premier Hugh John Macdonald submits the Manitoba Temperance Act.

Sept. 1, 1905—The erection of the Provinces of Saskatchewan and Alberta.

Aug. 4, 1914—The outbreak of the Great War.

Mar. 18, 1915—Premier Scott's Oxbow speech undertaking to abolish the bars in favour of a dispensary system.

June 30, 1915—Bars go out of existence in Saskatchewan.

July 21, 1915—Alberta votes in favour of Prohibition.

Mar. 13, 1916—Manitoba Temperance Act passed.

June 1, 1916—Bars go out of existence in Manitoba.

July 1, 1916—Bars go out of existence in Alberta.

Dec. 10, 1916—Vote against the Liquor Stores in Saskatchewan.

April 1, 1918—Dominion Order-in-Council stops importation of liquor into one Province from another or from outside Canada.

Nov. 11, 1918—Armistice.

Nov., 1918—"Flu."

Dec. 31, 1919—Discontinuance of Dominion Order-in-Council prohibiting importation.

Oct. 25, 1920—Provinces vote on Plebiscite under Part IV. of Canada Temperance Act.

Aug. 31, 1922—Premier Bracken announces that there will be a vote on Prohibition in Manitoba.



## CHAPTER I.

### INTRODUCTION.

For two-and-a-half centuries liquor has been in use in the country that lies west of Hudson Bay. The Minute Books of the Honorable Adventurers, and the Journals of Fur Traders and Explorers attest its presence from the very beginning of permanent relations with the district that was destined to become Western Canada. Till the opening of the nineteenth century the use and regulation of liquor did not constitute a problem of serious dimensions. Although the control of the traffic was not entirely separated from the task of adjusting the ownership of the land as between the French and the English after the Conquest, yet on the whole liquor was (almost entirely) a matter of domestic concern within the sphere of the Trading Companies. Rum might be given the Indians by way of a "regale" on the occasion of their periodical visits to the posts, but it was never extensively bartered for pelts before the end of the eighteenth century.

Since the beginning of the nineteenth century the use and regulation of liquor has been a problem that has presented itself in many guises, and has been met with a great variety of attempted solutions which have succeeded sometimes partially, sometimes not at all. Very definite strides have been made both in the way of the control of the liquor traffic and along the line of stimulating a temperance sentiment. It would require a bold man to claim that the question is no longer with us. In the very nature of the case it is likely to continue to harass us for some time to come. For the ultimate solution of the liquor problem

must rest with the individual, not with a governmental regulation. The final basis of victory over this insistent evil will be found only in the moral equipment of every citizen. This can be expected from no legislation, however prudent, and from no method of conducting the traffic, however carefully conceived or wisely and conscientiously administered. But short of this ultimate goal, which is a spiritual attainment of character towards which we must untiringly strive and ceaselessly educate, there is always a proximate and practical goal to which we have a duty to press without abdicating the right to cherish the hope of higher attainments in the future. Legislation is in itself a safeguard to the community making it safe, and a means of education to not a few citizens making them sober, and particularly is this so on the Prairies where men with diverse ideals and differing habits have come from the ends of the earth. It will be instructive therefore, to review the different experiments by which during a period of more than a century attempts have been made on these Western Prairies to regulate the liquor traffic.

The opening of the nineteenth century saw the competition between the rival Fur Companies assume a bitterness that had been as yet unmatched. So keen was the contest that recourse was had to the barter of liquor for beaver skins, a practice that debauched the Indians and bade fair to ruin the fur trade itself. This unhappy struggle persisted for two decades till, on the death of Lord Selkirk, shareholders and partners, realizing how utterly evil and futile had become the custom of bartering liquor for pelts with the Indians, and how unavailing the best effort to

abolish the practice so long as the competition continued, brought about the Union of the Companies. What appeared on the surface an amalgamation of commercial concerns was, in fact, a measure to curb a vicious traffic in liquor.

With the arrival of the Selkirk settlers at the Red River there begins a new aspect of the problem. We have to consider not only the relation of the Fur Trade to the liquor problem, but also, for the first time, its use in a permanent settlement of white people both among themselves and in connection with the aboriginal population. The Hudson's Bay Company sought, particularly after Sir George Simpson assumed control, to restrain the use of liquor as an article of commerce. It was more successful in the north than it was south of the South Saskatchewan, for in the latter region it had to encounter the competition of the American Fur Companies. At the Settlement the regulation of the liquor traffic rested with the Council of Assiniboia. This Council had to deal with the question of importation not only by way of the Bay but also from the United States. The imports from the latter proved at times "profuse in quantity and deleterious in quality." The Council sought to prohibit, to control by a tariff, to prevent private distillation, to put an end to the intoxicating of Indians. It was indefatigable in its efforts to regulate. The Minutes of the Council are filled with pages of legislation covering many aspects of the question. It should not be forgotten that long before the Prairies became an integral part of the Dominion of Canada there had been evolved within the limits of what is now Manitoba a fully fledged license system, and that there was a full half-century of struggling

with the liquor problem in practically all its phases before the right of self-government was granted with the establishment of a Provincial Government.

After 1870 the interest in liquor regulation on the Prairies is divided between the Province of Manitoba and the North-West Territories. In the Province the regulation was through a License System, and so continued till after the outbreak of the war in spite of the Provincial plebiscite of 1892, the Dominion plebiscite of 1898, and the prohibitory measure passed in 1900 by the Premier, Hon. Hugh John Macdonald. Premier Roblin succeeded in dividing the Temperance forces, a majority vote of nearly 7,000 was registered against the Prohibition Act, and in 1912 the Legislature defeated a measure to abolish the Bar. But a new sentiment gradually gained ground, the Temperance workers were again organized, and, after the outbreak of war, the Bars had to disappear. In the meantime in the Territories an entirely different experiment was being tried. The first item of legislation passed by a regularly constituted North-West Council was a prohibitory measure. This was enacted with reference to the Indian, rather than any white, population. The advantage that was taken of the aboriginal population by whiskey traders from the United States in the Whoop-Up country,\* the disorders and robberies and murders among the Blackfeet led to the introduction of the North-West Mounted Police to keep order and to put an end to the illicit liquor traffic. When white settlers began to enter the country there was introduced for them what was known as the permit system. The journals of the time, while admitting its

---

\*Near where Lethbridge now stands.

imperfections, praise it as being superior to a license system. But under Lieutenant-Governor Royal the regulations became so notoriously relaxed that the Permit System fell into disrepute. In January, 1892, the Territories were given the same control of granting licenses as was enjoyed by the Provinces, and thereafter till the erection of the Provinces the License System was the method for the control of the liquor traffic. In September, 1905, each of the new Provinces assumed control of its own liquor problem. As a matter of fact, however, there was little divergence between Saskatchewan and Alberta as to methods of control. Local Option was made operative in the former at a somewhat earlier date, but in neither was it made effective in more than two or three places.

It was the war that quickened Temperance thinking in all three Provinces. The demand to husband every available resource, the example set by Russia, the renewed activity of Social and Moral Reform Leagues, the willingness of the community to submit to unusual restrictions if the cause of the Allies were only thereby furthered, all contributed to new advances towards the stricter regulation of the liquor traffic. The problem was not handled in precisely the same way in the three Provinces. It is the purpose of this Study to review the different methods of attack followed in the different Provinces. Saskatchewan, for instance, arrived at Provincial Prohibition through the stages of the introduction of a dispensary system of liquor stores by the Legislature and their abolition by plebiscite, but Alberta endured the bars for a longer period and then abolished them directly by legislation in accordance with the people's mandate expressed in a

plebiscite. In due time all three Provinces attained to Provincial Prohibition, but found that there were still difficulties to contend with. Liquor might be imported from other Provinces. To provide stricter control they received the assistance of Dominion Orders-in-Council which prevented inter-provincial trade and importation of liquors for beverage purposes. Perhaps the period from April 1st, 1918, to the Armistice and the outbreak of the influenza epidemic was the "driest" period in the whole history of the Prairies in recent times, for during that period no liquor might be sold within the Province, and the mail-order business was illegal. The "Flu" inaugurated the "prescription era" of the liquor traffic. There was a slackening of temperance sentiment, there was a measure of panic which allowed the use of liquor on the most trifling excuse as a result of the epidemic, there was a desire for gain on the part of certain not overscrupulous physicians and druggists. This period continued till the Dominion Orders-in-Council ceased to be valid on December 31st, 1919. In the meantime the Provinces took measures to tighten up their restrictions or provided machinery to control the traffic, and the Dominion Government amended the Canada Temperance Act so as to provide Local Option on the scale of a Province, and it became competent for a Province to prohibit the importation of liquor. It will be the object of this enquiry to outline the character of the machinery that has been set up in the Provinces to carry out their prohibitory policies.

That drinking has been entirely eliminated from the Prairies no one will claim. Abuses have been made of prescriptions, there has been an undoubted leakage

from the export liquor warehouses, not a few have had recourse to home brewing and distilling. There is some agitation for a dispensary system. On the other hand there is little or no agitation for the open bar, there has been a distinct decrease in drunkenness in the community as a whole, and the efforts of the Moderation League have yielded and are likely to yield nothing in the way of legislative changes or constructive suggestions for dealing with the problem of regulating the traffic.

It is not the purpose of the writer to advocate any particular form of control for the liquor traffic. He seeks rather to put forth this account as a piece of historical writing that will trace the various steps which have been taken on the Prairies to deal with this problem. His study of the question has, however, yielded two convictions,—

1. That the abolition of the bar was a step in advance which almost universal public sentiment in the Provinces sanctioned and still sanctions.

2. That Prohibition, while meeting with the concurrence of the vast majority and the approval of a distinct majority of the people, still is not upheld by that earnest practical support and co-operation which is the bulwark of a public measure of this character. The temperance forces of the Prairies must either make their support of Prohibition more articulate and, by a campaign of education and information, stimulate public opinion in its favour, or else expect a relaxing of Prohibition before the definite campaigns to discredit its operation.

## CHAPTER II.

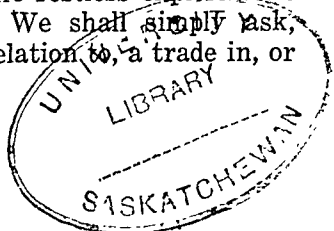
### THE PERIOD OF FUR TRADE AND EXPLORATION, FROM THE ROYAL CHARTER TO THE UNION OF THE COMPANIES, 1670-1821.

Time was when in all Western Canada there was no settled community. For untold generations the Red men roamed the prairie stretches, and preyed upon the buffalo and tilled no field. Along the waters that emptied into Hudson Bay they shot in their swift canoes, and far West, in the foot-hills, they rode on their wild ponies. But everywhere it was the life of the nomad hunter. And then the Pale Face came. In July of 1610 Henry Hudson in his stout little oak craft, the "Discovery," wormed his way through the Straits into that great inland body of water, to which he gave both his name and his life. He had found the Northern Gateway to the Prairies. It was two generations later that a French-Canadian of Three Rivers, Pierre Esprit Radisson, came by the Southern Gateway of the Great Lakes. He inaugurated the trade in beaver skins, and was the real founder of the Hudson's Bay Company. With a light heart the Merry Monarch on May 2nd, 1670, gave to the Honourable Company of Adventurers trading into Hudson's Bay a right to the sole trade and commerce "of all the seas, straits, bays, rivers, lakes, creeks and sounds, within Hudson's Straits." And why should he withhold from his dearly beloved Prince Rupert and other Honourable Adventurers anything that their hearts were set upon? Had they not promised him two elks and two black beavers on each and every occasion that he should make a voyage to these outlandish parts? And this was long



enough before real estate booms, and the mining operations of Northern Manitoba. So, out of the lavish bountifulness of his royal heart he added to the gifts "the lands, countries and territories upon their coasts." He threw in by way of an extra, "all sorts of fish, whales, sturgeons, and all other royal fishes." And, then, lest he should have overlooked anything, without waiting for the report of the prospector, he could not withhold from Rupert "all mines, discovered and undiscovered, of gold, silver, gems and precious stones." So was the Royal Charter given and the first jurisdiction established for Western Canada in the very month that Charles II. sold his soul to the fourteenth Louis of France in the most shameful compact ever made by the sovereign of a free people with the ruler of an enemy state, the Treaty of Dover, May, 1670.

From the zenith of the power of Louis XIV. to the defeat of Napoleon were momentous days for Europe. During all those years of fighting against France, England maintained her hold on the region west of the Bay, although even here was witnessed not the least interesting phase of the contest for world supremacy. But for Western Canada it was the era of the fur trader and the explorer. These spied out the land and maintained British connection till the Red River Settlers came. It is not our purpose to picture dashing coureurs de bois like Radisson, or doughty warriors and privateers like D'Iberville, nor to describe the work of gossip, observant travellers such as Samuel Hearne, nor to follow the restless explorations of an Alexander Mackenzie. We shall simply ask, What was their interest in or relation to, a trade in, or consumption of, liquor?



There was an orderliness about the business conducted by the Honorable Company. From the very beginning minute books were kept to record all transactions. These have been stored in Hudson Bay House, London, and transcripts are now to be found in the Dominion Archives, Ottawa. Besides at the various forts and posts throughout the country the factors and traders kept journals that often extended over many years, and that recorded valuable information regarding the trade. We have the bills of lading for goods sent to the Bay. There was always considerable liquor on board ship both for the voyage itself and for the use of the traders in the country. It will be interesting to note a few records from the spring of the year, 1674. On April 3rd it is noted that there is to be "beare and mault provided for the men outwards and homewards, and for those that stay in the country." Eleven days later the amount of beer and malt is fixed for the next voyage. On April 28th provision was made for "one-and-a-half tunns of brandy"; on May 14th for "6 tunns of beare and 5 tunns of meate" on Prince Rupert, and a like quantity on the Messenger, Dogger." It was the custom to send out a present of choice liquor to the Governor of the Company resident at the Bay. On May 27th, 1680, one-quarter cask of canary was sent to Governor Nixon; on May 5th, 1681, one-quarter cask of best Malaga sack was sent to the Governor in Hudson's Bay; on November 8th of the same year there was further mention of sack and claret; on February 14th, 1683, was another minute for sending wine to the Bay. In February, 1683, an arrangement was made to send malt to the Bay at 28 shillings per quarter, and in the following quantities:—

Hayes Island .....	78 bushels
Rupert River .....	20 bushels
Chychewan .....	18 bushels
Port Nelson .....	50 bushels

In April of the same year two casks of canary were arranged for, one for Governor Sergeant, the other for Governor Bridgar. Scores of such Minutes could be quoted. It will suffice to note a victualling bill of February 4th, 1685. This allowed "5 lbs. flour a week and so 5 lbs. of flesh and 40 gallons of malt a man by year."

Among the very earliest explorers to come to the West from the St. Lawrence after the capture of Quebec by Wolfe was Alexander Henry. He arrived in 1761. He found a certain amount of mystification among the natives owing to the international changes that had taken place. This uncertainty extended even to rum, or "English Milk," as it was now being called. The Indians wanted to know what was the difference between English and French milk. What answer Henry gave them we do not know, nor do we read that any Indian ever refused either brand. We see Henry giving the Indians a small quantity of rum on leaving Fort William Augustus; and again a keg at the Lake of the Woods,—“All the village was inebriated.” On one occasion in 1775 he was compelled to give “three casks of gunpowder; four bags of shot and ball; two bales of tobacco; three kegs of rum and three guns; together with knives, flints and other smaller articles.” The Indians were not to be so easily satisfied for Henry writes:—

“We had supposed the affair finished; but before we had proceeded two miles we saw a

canoe behind us. On this we dropped astern to give the canoes that were following us an opportunity of joining lest, being alone, they should be insulted. Presently, however, Chatique in a solitary canoe rushed into the midst of our squadron and boarded one of our canoes, spear in hand, demanding a keg of rum, and threatening to put to death the first that opposed him. We saw that our only alternative was to kill this daring robber or to submit to his exaction. The former part would have been attended with very mischievous consequences; and we therefore curbed our indignation and chose the latter. On receiving the rum he saluted us with the Indian cry and departed."

Henry has given us the prices set on gun-blankets, axes, powder, balls, knives, beads, flint-steels. Of tobacco and rum he wrote in 1776:—

"Tobacco, when sold, fetched one beaver-skin per foot of Spencer's twist; and rum, not very strong, two beaver-skins per bottle; but a great proportion of these commodities was disposed of in presents."

Henry has given us an incident from his dealing with the Indians called the "Marten" and "Rapids":

"They inquired whether or not we had any rum; and being answered in the affirmative they observed that several of their young men had never tasted liquor, and that if it was too strong it would affect their heads. Our rum was in consequence submitted to their

judgment, and after tasting it several times they pronounced it to be too strong and requested that we would order a part of the spirit to evaporate. We complied by adding more water to what had received a large proportion of that element before, and this being done, the chiefs signified their approbation. We remarked that no other Indians approached our house while the chiefs were in it. The chiefs observed to us that their young men, while sober, would not be guilty of any irregularity; but, that, lest when in liquor they would be troublesome, they had ordered a certain number not to drink at all but maintain a constant guard."

The first notable voyage of discovery into the interior of the country from the Bay was made by Samuel Hearne in a journey from Prince of Wales's Fort on Hudson's Bay to the Northern Ocean. He has given us an intensely interesting journal of observations and record of travels culminating in the discovery of the Coppermine River. We have found in his account only three references to the presence of liquor in the country west of the Bay. On May 29th, 1771, he was joined by Captain Keelshies who "delivered to me a packet of letters, and a two-quart keg of French brandy." In July of the same year, after leaving the Coppermine River, he became "foot-fouled." "Then," wrote Hearne, "I bathed the swelled parts with spirits of wine." The Indian who guided him on his successful venture was Matonabee,— "He was remarkably fond of Spanish wines, though he never drank to excess; and as he would not partake

of spirituous liquors, however fine in quality or plainly mixed, he was always master of himself."

In his "Voyages" Alexander Mackenzie pays a well-merited tribute to the restraining influence exerted by French missionaries upon the liquor traffic.\* "At an early date of their intercourse with the savages, a custom was introduced of a very excellent tendency, but is now unfortunately discontinued, of not selling any spirituous liquor to the natives. This admirable regulation was for some time observed with all the respect due to the religion by which it was sanctioned, and whose severest censures followed the violation of it. A painful penance could alone restore the offender to the suspended rites of the sacrament. The casuistry of trade, however, discovered a way to gratify the Indians with their favourite cordial without incurring the ecclesiastical penalties, by giving, instead of selling it to them." On the pages of Mackenzie we see pictures of traders engaged in "drinking, carousing, and quarrelling with the Indians along their routes and among themselves." A disgraceful incident, to which he refers, took place on the Saskatchewan at the Eagle Hills. A fur trader found a large band of Indians troublesome owing to their drinking. One of their number proved exasperatingly importunate. The trader "gave him a dose of laudanum in a glass of grog, which effectually prevented him from giving further trouble to any one, by setting him asleep forever." A fray ensued in which one of the traders and several of the men were killed. The rest of the Indians fled so precipitately that they abandoned a considerable quantity of goods and nearly

---

\*See also *Travels and Adventures in Canada and the Indian Territories* by Alexander Henry, Fur Trader Edited by James Bain, page 17.

half of the furs they had collected during the winter and spring.

The "Knisteneaux" Indians, who, according to Henry, were drunk during the whole of his visit in 1775, Mackenzie also found particularly addicted to the use of liquors. They brought their pemmican and furs to exchange for arms and ammunition, tobacco and knives, but they also desired rum. The "Chepewyans" he found much more temperate. They indulged in rum only on special occasions, notably on visits to the Knisteneaux. "A treat of rum is expected . . . which the Chepewyans on no account ever purchase; and those only who have had frequent intercourse with the Knisteneaux have any inclination to drink it." Mackenzie tells how Indians going to Churchill to exchange their furs for European articles remained there, after their bartering was over, "a supernumerary day or two to gratify themselves with the indulgence of spirituous liquors." They reserved a small quantity to carry away with them "to heighten the enjoyment of their return home, when the amusements, festivity and religious solemnities of the spring were repeated."

It is unnecessary to dwell upon all the passages in the "Voyages" where Mackenzie refers to the use of liquors. In the exploration of the River that bears his name he encountered the Slave and Dog-rib Indians,— "We made them smoke, though it was evident they did not know the use of tobacco; we likewise supplied them with grog; but I am disposed to think that they accepted our civilities rather from fear than inclination." Three years later, in 1792, on his trip up the Peace River he gathered together 42 hunters to offer

some advice,—“I strengthened my admonition with a nine-gallon cask of reduced rum, and a quantity of tobacco.” He states, however, that it is the practice throughout the North-West neither to sell nor to give rum to the natives during the summer. He found these northern Indians akin in customs to the Knisteneaux,—“They cut their hair, paint and dress like them, and possess their immoderate fondness for liquor and tobacco.” On other occasions Mackenzie speaks of presenting Indians with a quantity of rum “which I recommended to be used with discretion; and added some tobacco as a token of peace.” He tells of using soap and rum as a liniment. He mentions that some Indians are willing to trade their guns for rum. “On such an occasion they always discharge their pieces, as a proof, I imagine, of their being in good order, and to determine the quantity of liquor they may propose to get in exchange for them.” On the death of White Partridge the Indians assembled at some distance from Mackenzie’s Fort “and sent an embassy to me to demand rum to drink that they might have an opportunity of crying for their deceased brother. It would be considered degrading in an Indian to weep when sober, but a state of intoxication sanctions all irregularities. On my refusal they threatened to go to war which, from motives of interest as well as humanity, we did our utmost to discourage.” Mackenzie complied with their demand. We find also that Mackenzie took rum along with him on his voyage of discovery to the Pacific. An entry in his diary under date of May 29th, 1793, reads: “As we had almost expended the contents of a rum-keg, and this being a day which allowed of no active employment, I amused myself with the experiment of ex-



closing a letter in it and dispatching it down the stream to take its fate. I accordingly introduced a written account of all our hardships, etc., carefully enclosed in bark, into the small barrel by the bung-hole, which, being carefully secured, I consigned this epistolary cargo to the mercy of the current."

Because of consequences which he attributes to their use of spirituous liquors Mackenzie believes that from a moral point of view the Indians had suffered greatly from their intercourse with civilized nations. He is at the same time careful to insist that in their aboriginal state the Indians were not without their own peculiar vices, and some of these of the most abhorrent nature.

The liquors used by the North-West Company in the time of Mackenzie were purchased in Canada and brought to the West by the Ottawa and Superior route. The most noted place of revelry in all the North-West was at the Grand Portage, on the route by way of Pigeon River from Lake Superior to Lake Winnipeg. The men of the North assembled there and were regaled with "bread, pork, butter, liquor and tobacco." There must have been many an animated scene there in the wilderness, for sometimes the gathering amounted "to the number of twelve hundred men, indulging themselves in the free use of liquor, and quarrelling with each other." Mackenzie has given a lively description of the Grand Portage with its proprietors, clerks, guides and interpreters all messing together to the number of sometimes an hundred, in one large hall, the "provision consisting of bread, salt pork, beef, hams, fish, and venison, butter, peas, Indian corn, potatoes, tea, spirits, wine, etc., and plenty of milk for which purpose several milch cows are constantly kept." The mechanics were given similar rations, but the

canoe-men, both from the North and Montreal, had no other allowance, either there or on the voyage than Indian corn and melted fat. Important business was transacted at this great gathering near the head of the Lakes, but it was none the less a place of festive cheer.

In the spring of 1800 Daniel Williams Harmon came west from "La Chine" to the Grand Portage to engage in the fur trade on the Prairies. In his Journals one finds not only the usual observations on the life and customs of the West but, as well, an amount of religious reflection that is not met with in the writings of any other fur trader or explorer. So far as the giving of spirituous liquors was concerned Harmon was not the man to indulge the Indians unduly. Yet his Journals throw many a side-light upon the story of the consumption of liquors on the Prairies and they are particularly rich in their record of the convivial celebration of such high days as St. Andrew's Night, Christmas and New Year's.

Harmon's first entry relating to the use of liquor in the West was made at the Grand Portage, June 28th 1800:

"The last night a squaw, in a state of intoxication, stabbed her husband, who soon expired. This afternoon I went to their tent where I saw a number of Indians of both sexes drinking and crying over the corpse, to which they would frequently offer rum and try to pour it down his throat, supposing him to be as fond of rum when dead as he was when alive. The natives of this place are Chippeways."

On his journey into the North Country his party met 24 canoes from Athabasca whose occupants had suffered much from want of food on their way. "We gave them a dram, which made them almost forget their late sufferings." Harmon found that it was the custom of many fur traders to take women of the country to live with. He at first recoiled from this practice, but ultimately himself followed the custom. His Journal on this point is intensely interesting and his conduct in the matter when he came to leave the West reflects no little credit on Harmon. He found, however, that an indispensable part of the ceremonies in connection with taking the woman was to make "a present to the parents of the damsel, of such articles as he supposes will be most acceptable; and among them rum is indispensable, for of that all the savages are fond to excess."

It will be interesting to note several entries in Harmon's Journal, especially in connection with Sundays, Christmas, New Year's Day, St. Andrew's Night and other high days:

### Sunday, November 16th, 1800.

"Last Wednesday, twelve families of Crees and Assiniboines came from the large prairies, and let us have furs and provisions. Both the men and women have been drinking ever since, and their noise is very disagreeable; for they talk, sing and cry at the same time. Our men play at cards on the Sabbath the same as on any other day. For such improper conduct I once reproved them; but their reply was, there is no Sabbath in this

country, and, they added, no God nor devil; and their behaviour but too plainly shows, that they spoke as they think."

Wednesday, November 19th, 1800..

"To see a house full of drunken Indians, consisting of men, women and children, is a most unpleasant sight; for in that condition they often wrangle, pull each other by the hair and fight. At some times ten or twelve, of both sexes, may be seen fighting each other promiscuously until at last they fall on the floor, one upon another, some spilling rum out of a small kettle or dish which they hold in their hands, while others are throwing up what they have just drunk."

St. Andrew's Night, Sunday, November 30th, 1800.

(Note:—The Indians had come to the fort where Mr. McLeod was Bourgeois, and after presenting him with a cross discharged a volley or two of muskets in his honour. Harmon's entry in his Journal follows:)

"Soon after, they were invited into the hall where they received a reasonable dram, after which Mr. McLeod made them a present of a sufficiency of spirits to keep them merry during the remainder of the day, which they drank at their own house. In the evening they were invited to dance in the hall; and during it they received several flagons of spirits. They behaved with considerable propriety until about eleven o'clock when their

heads became heated by the great quantity of spirituous liquor which they had drunk during the course of the day and evening. Some of them became quarrelsome, as the Canadians generally are when intoxicated, and to high words blows soon succeeded; and, finally, two battles were fought which put an end to this truly genteel, North-Western ball."

### **New Year's Day, 1801.**

"Yesterday, being the commencement of a new year, our people, according to a Canadian custom, which is to get drunk if possible, spent the day in drinking, and danced in the evening; but there was neither scratching nor fighting on this occasion."

### **Christmas, 1801.**

"This being Christmas Day, agreeably to the custom of the country, I gave our people a dram, and a pint of spirits each."

### **New Year's Day, 1802.**

"This being the first day of the year, in the morning I gave the people a dram or two, and a pint of rum each, to drink in the course of the day, which enabled them to pass it merrily, although they had very little to eat; for our hunters say they can kill nothing."

### **Christmas, 1802.**

"This day being Christmas, our people have spent it as usual in drinking and fighting. My education has taught me that the

advent of a Saviour ought to be celebrated in a far different manner. Of all people in the world, I think, the Canadians, when drunk, are the most disagreeable, for excessive drinking generally causes them to quarrel and fight among themselves. Indeed, I had rather have fifty drunken Indians in the fort than five drunken Canadians."

Spirits were inextricably associated with the fur trade in the first two decades of the nineteenth century. The competition between the rival Companies was beginning to assume that serious aspect that was fraught with such danger to life and ruin to the trade itself. It was this rivalry that led to the use of liquor for barter. In February, 1801, Harmon wrote that the trading for furs and provisions had taken place without having received "the least affront or the smallest injury from the natives, notwithstanding most of them became intoxicated with the spirits with which we supplied them." On August 3rd, 1802, he states that on the previous day six families of Crees had come to the fort, and that they had been drinking ever since. When Harmon was at Last Mountain on March 1st, 1804, he found it "more convenient and safe, especially when we are not in our forts, to give the Indians spirits to drink in the day time than in the night." His entry on the following day was:

"On the 2nd, the remainder of our people arrived, and soon I commenced dealing out spirits to the natives; and they continued to drink during all that day and the following night. We were, therefore, prevented from re-

signing ourselves to sleep. For though the Indians are naturally well disposed towards the white people and seldom begin a quarrel with us and will even receive many insults before they attempt to defend themselves, yet, when drunk, they often behave like mad men or devils and need to be narrowly watched."

Harmon was at the Ca-ta-buy-se-pu, or the Riviere qui appelle, or the Qu'Appelle, on March 14th, 1804. His entry in his Journal was:

"Last evening my people returned from the fort and as I now had spirits for the natives they, of course, drank during the whole night. Being so numerous they made a terrible noise. They stole a small keg of spirits from us, and one of them attempted to stab me. The knife went through my clothes, and just grazed the skin of my body."

He was at Dunvegan on June 13th, 1809. An Indian came to report that one of their chiefs had lately died. This served as an occasion for asking for spirits. Harmon's entry in his Journal was:

"He requests that we furnish a chief's clothing to be put on him that he may be decently interred, and, also, that we would supply a small quantity of spirits for his relations and friends to drink at his interment; all of which I have sent, for the deceased was a friendly Indian."

One curious feature Harmon mentions in his account of the Indians. He says that the Indians on

the east side of the Rocky Mountains think it very indecent for a father-in-law or a mother-in-law to speak to, or look in the face of, a son-in-law or a daughter-in-law. "And they never do either unless they are very much intoxicated."

Before the union of the North-West Company and the Hudson's Bay Company in 1821 the competition was so keen that no restraint was placed upon the methods employed and there was virtual civil war in the Territories. The disastrous effects were seen not only in the destruction of property and in the great loss of life but also in the unrestricted use of spirituous liquors in the fur trade with their demoralizing influence upon the Indians. Riots and breaches of the peace constantly occurred, and the country was in a state of chaos. How prejudicial all this was even to the material interests of the Companies is seen in the single circumstance of the falling-off of dividends for the Hudson's Bay Company during the period 1806-1821. For the first eight years they were reduced to four per cent.; during the next six years there were no dividends at all; and for the remaining eight years they were again only four per cent. Another result is seen in the failure of the Companies to make adequate provision for the Franklin expedition of 1819 as requested by the Admiralty. This failure was caused by the general demoralization due to the free distribution of spirits to the Indians. Sir John Richardson, who was with his chief, has given his impressions of the times:

"We found both parties supplying the Indians liberally with spirits. The Indians were spending days in drunkenness at the different



posts, and a contest altogether shocking to humanity was carried on. At that time it scarcely appeared that the Indians had any capability of being civilized at all."

In a report on the fur trade prepared at a later time for the Hudson's Bay Company Sir George Simpson showed that previous to 1821 there was an unrestricted supply of spirituous liquor, that it served as an article of trade, that it led to the commission of crime, to the injury of health, and to a state of demoralization among the native population that was truly lamentable. The same picture of the ruinous use of liquor by the competing Companies in the days before the Union has been given by Hon. E. Ellice, M.P., who entered the fur trade in 1803 and was still interested in it after more than half a century. Ellice declared that during the period of rivalry both sides constantly employed spirits in their trade:

"Rum was given by the various parties acting in competition, to the Indians and half-breeds; the whole country was demoralized; the Indian tribes were in conflict one against the other. In fact, whatever a particular trader carrying on his business at a particular post thought was likely to ruin his competitor and to advance his own interest was done without the least regard to morality or humanity."

Ellice declared that one of the great benefits derived from the union of the two Companies was the prevention of the use of spirits. Sir John Richardson also reported that on a subsequent visit after the union

the Hudson's Bay Company had the sole trade of the country and the sole management of the Indians. He found a manifest improvement. Spirits were no longer carried to the north, or were carried only in small quantities except a small amount for the use of the traders themselves. The union of the North-West and Hudson's Bay Companies was in reality a measure taken to restrict the use of liquor among the Indians. It was to a great extent a successful measure.

## CHAPTER III.

### WITH THE FUR TRADE FROM THE UNION OF THE COMPANIES TO THE CONFEDER- ATION WITH THE DOMINION OF CANADA, 1821-1870.

If the union of the two competing Fur Companies tends to focus the attention upon one policy instead of, as formerly, two policies in the matter of the control of liquor, the growth of the Red River Settlement introduces a new element into the situation. We must henceforth consider both the fur trade and a growing population of settlers in respect to their policy of dealing with the regulation of spirits. First we shall consider the conduct of the new Hudson's Bay Company.

The union of the old Hudson's Bay and North-West Companies was in itself a temperance measure that aimed at the restriction of the trade in liquors. No longer was the tariff of trade to include the item: "1 gal. brandy . . . 4 beaver." But, as might have been expected, the native population did not welcome the Company's policy of limiting the use of spirits. For a time they even endangered the safety of the trading establishments. The Company had to take special precautions for the protection of their forts. By a judicious bestowal of gratuities, by the granting of presents of goods made in England, the Company gradually reconciled the Indians to the deprivation. Where there was a white population, however, the use of spirits was not entirely prohibited. It was only diminished. It became, however, the standing regulation of the Hudson's Bay Company that no

spirituous or intoxicating liquors of any description should be sold to Indians or used as a medium of barter or trade. There is conflicting evidence as to how faithfully this regulation was adhered to. The friends of the Company insisted that there was a rigid compliance with the rule; its opponents declared with equal vehemence that the regulation was notoriously and flagrantly violated. It would seem to be the fact that the Company sought to carry out this policy with fidelity, but when exigencies of trade demanded it, never hesitated to depart from at least the strict letter of the regulation.

Some idea of the amount of liquor imported into the Company's Territories east of the Rockies can be obtained from the few statistics that are available. Sir George Simpson wrote that the annual average importation of rum during the period 1821-1836 was 43 puncheons. In 1837 the amount was 3,800 gallons. In 1845 there was an increase to 9,075 gallons. This increase was due to the introduction into the Red River Settlement of troops, a wing of the 6th Regiment. During the years 1847-1856 the average annual importation of spirits was 4,991 gallons. Of this amount one-third was "allotted for the use of our own servants, for an occasional dram to Indians who are employed in transport with our own servants, and for the purchase of provisions in parts of the country where we cannot get them otherwise." The other two-thirds was for the Red River Settlement, with its 8,000 inhabitants, "who would otherwise distil." "We have had great difficulty in preventing them from establishing distilleries in the country," declared Sir George Simpson in 1857.

The best preservative of the peace of the country, according to Lieut.-Colonel J. H. Lefroy, was to discontinue sending spirits into it. When the Company followed a policy of restriction blood feuds and quarrels among the Indians greatly diminished, and the gaol at the Red River became empty. Unfortunately, however, it was felt that the district on the Saskatchewan had to receive different treatment from that given to the rest of the country in order to meet the competition of the American trade. In spite of their law against selling spirits to Indians on or near the frontiers the Americans employed spirits rather too freely in their trade. The Hudson's Bay Company retaliated by using its rival's weapons. It resorted to the employment of rum. This, however, was so diluted that there was not much "virtue" left in the drink. The Company used seven gallons of water with each gallon of rum. Beside these Plains Indians who received their small quantity of spirits as an inducement to bring in provisions, the Indians at Rainy Lake, who supplied the Company with dried sturgeon and wild rice, also received their quota of rum. With these exceptions the Company claimed not to use liquor as a medium of barter.

The standing regulation of the Company, as we have seen, was never to barter spirits for fur. We have also seen that competition might lead to the transgression of this regulation. But there is little doubt that the Company was anxious to have the rule observed. Occasionally a dram was given to a good hunter when he visited a fort. Sometimes an expert Nimrod received even more generous treatment, a dram on arrival and another on departure. But the rule

stood,—“Spirits are not to be bartered for furs.” Especially from the middle Thirties intoxication among the Indians became rarer. The custom grew up of giving them other articles instead of spirits,—tobacco, tea, sugar, even to two and three times the value of the spirits that had formerly been given. This donation was called the “regale.” It was regarded by the Company as a gratuity. It helped to preserve good-will. Dr. Rae declared that in his time, during the Thirties and the Forties, there were no spirits for the men, officers or Indians, either in the Athabasca, in La Crosse, or on the Mackenzie. In giving his evidence before the Select Committee of 1857 he stated that the regulation of the Company not to sell spirits to the Indians was “the best rule that was ever made.” “The Indians,” he declared, “were much easier to deal with, more attentive and better in every way.” At the same time Sir George Simpson gave evidence that no liquors went to the Coppermine, that “none had been sent northward of Cumberland, to my knowledge, since 1822, neither for officers, servants nor Indians.” He stated that drunkenness had come to be of very rare occurrence in any part of the country, “quite unknown throughout the extended district situated to the northward of the Saskatchewan and Churchill Rivers occupied by the Chipewyan, Beaver Indian, Cree, Yellow Knife, Hare, Dog Rib and other tribes throughout the numerously inhabited and widely extended plain country to the southward of Saskatchewan . . . the introduction and use of spirituous and other intoxicating liquors having been strictly prohibited except in very rare cases for medicinal purposes.” After being Governor for thirty-seven years this “Kitche Okema” could declare that “spirituous liquors have never been

used as a medium of barter for furs within my knowledge." We know from other circumstances that Sir George's statements could not always be taken with exact literalness when the interests of the Company were concerned. We know how jealous he was for the Company's reputation lest any person of rank or authority or position should think evil of it. In 1849 (in view of the expected arrival of Bishop Anderson of Rupert's Land), he wrote from Norway House to Chief Factor Hargrave at York Factory:

"I shall be up here, God willing, about June 10th next. Pray take care that there be no drunken scenes at York at any time, more especially when the bishop passes or during the visits of missionaries or strangers, and do not let brigades start on Sundays."

There is, however, no reason to doubt that the Company did greatly restrict and limit the use and traffic in liquor. Sir George himself believed that the most effectual rule for the control of ardent spirits was "not to introduce the article." When challenged to state whether any officer of the Company had ever been called to account for bartering ardent spirits where it was not necessary, he confidently replied: "No, not that I am aware of. We are so decidedly opposed to the use of spirituous liquors in any of our establishments that no officer would venture to act in opposition to our desire."

It is worth while to consider what measures the Company took to restrict the use and traffic in liquor. To begin with, it limited its own importation of spirits. It forbade its officers and others, including the settlers

at Red River, to bring liquor into the country. "The only article of import prohibited is liquor, and the only article prohibited for export is fur," such was the Company's boast, "for, with these two exceptions, you may import or export anything that anybody requires." The standing rules of the fur trade prohibited the use and importation of spirituous liquors.\* The 40th and 59th standing rules of the fur trade, established by the Councils of the Northern and Southern Departments of Rupert's Land, were regulations of this type,—

40th.—"That the Indians be treated with kindness and indulgence, and mild and conciliatory means be resorted to in order to encourage industry, repress vice, and inculcate morality; that the use of spirituous liquors be gradually discontinued in the very few districts in which it is yet indispensable; and that the Indians be liberally supplied with requisite necessities, particularly with articles of ammunition, whether they have the means of paying for it or not, and that no gentleman in charge of district or post be at liberty to alter or vary the standard or usual mode of trade with the Indians except by special permission of Council."

59th.—"That not more than two gallons of spirituous liquor and four gallons of wine be sold at the depot to any individual in the Company's service, of what rank soever he may be."

---

\*An agreement with the Russian-American Company prohibited the use of liquors on the north-west coast.



Although the following extract relates to Moose Factory, it indicates the policy of the Company at all its forts. It bears date of May 30th, 1851. It is taken from the minutes of a Council for the Southern Department of Rupert's Land,—

42.—“In order to enforce habits of temperance throughout the Company's territories, it is resolved,—

“That from and after this date, no spirituous liquor be issued from the Moose depot either to the Company's officers or servants, to strangers, or to Indians; that an equivalent be made for the drams which it has heretofore been customary to give, either in tea, sugar, molasses, biscuit, tobacco, or ammunition; that the allowance of brandy to the Company's officers be discontinued, and that no spirituous liquors be hereafter imported to Moose Factory.”

We shall later discuss the use and regulation of liquor in relation to the settlers in the Red River Settlement. But it must not be forgotten that the Company had certain interests in the District of Assiniboia, for in the Thirties the District was transferred back from the Selkirk estate to the Company. The land deed by which the Company conveyed land to the settlers contained the provision that the grantee should “obey all such laws and regulations as within the said settlement now are, or hereafter may be, in force, **for preventing the distillation of spirits**, for preserving internal peace, for repelling foreign aggression, for making and repairing roads and bridges, and for

encouraging and promoting general education and religious instruction." The Company never itself attempted distillation. At the desire of the settlers at the Red River, however, it built a distillery. This was never operated. The long hand of Hudson Bay House in London intervened and put a stop to the experiment.

The enormous difficulty of travel effectively restricted any trade in spirits. It was practically impossible to pass through the country without the assistance of the Company. All the Arctic explorers received help from the Company. The result was that, except at the Red River, there was no smuggling of liquor into the territories apart from the illicit fur trade of the Americans. It was admitted that there was smuggling at the Settlement. Caravans from the Red River would take buffalo robes for sale down as far as St. Louis. Sometimes also they would drive cattle. In return they brought back tobacco and any other supplies which could be obtained more cheaply in the United States than from England. But these caravans smuggled liquor as well into the country. This traffic was not unknown to the Company authorities. Sir George Simpson admitted: "Some of the settlers at Red River smuggled spirits into the country. We are unable to prevent it."

As we shall see, there was not a little drinking at the Settlement. And the settlers themselves held the Company in part at least responsible for this state of affairs. Rev. G. O. Corbett, whose relations with the Company, be it noted, however, were none too amicable, declared that he had seen Indians within the gates of the Upper Fort Garry and in their encampment in the neighbourhood of the Fort "in a state of intoxication

and so wild that I myself have ridden out of the way to be secure in travelling." He did not believe that all the spirits came from the Company,—“Very likely some of the settlers use rum as well as the Company.” Mr. Corbett, however, was not aware of the existence of any grog-shops at the Red River. He has described for us a drunken brawl that occurred among the Indians near Fort Garry, and in this case he believed that the spirits had been furnished by the Company’s agents,—

“I had left my own station, and, after returning to it, I found that a woman and children had left their cottage and taken refuge underneath our roof. I inquired the reason of it, and they told me that it was because they had been excluded from their own dwelling. I then went to the husband and inquired the cause of it, and he said the cause was this, that the Indians and half-breeds, on returning from the fort of the Company at Fort Garry, after having taken down their furs, sought admission into his warm room to warm themselves. After staying to warm themselves a little the Indians and half-breeds inside the cottage then began to hand around the rum. And after drinking the rum for some time they came to high words, and from high words they came to blows, and a regular fight took place. And so dreadful was this fight that the man said he did not know what to do to get them out of the house. The thought struck him that he would pull down the stove-piping and stove. And he set to work and pulled down the stove-piping and

stove. In consequence the room was so completely filled with ashes and smoke that all the Indians and the half-breeds, his wife and family, ran out into the air."

In 1856 or 1857 Bishop Anderson, of Rupert's Land, sent in a memorial to the Hudson's Bay Company in which, among other matters, he discussed the traffic in liquor:

"As regards the sale of spirituous liquors to the Indians, I rejoice to find that measures are about to be taken for their entire or partial disuse in the course of this year. That they can be brought to an end at once is scarcely possible, from the growing facilities of importation from the United States, but the example on the part of the Honourable Company (if the plan mentioned to me by Governor Johnson shall be carried out) would be productive of the best consequences. The chief difficulty to my own mind has always been the entire disuse of spirits along vast tracts of the country, as in the Moose and Albany districts, and their use in other quarters. That the custom of distributing spirits to the Indians, when coming in large bodies to the forts, is often attended with fatal consequences, I am aware from actual knowledge; and very earnestly would I entreat that some substitute be made—a gift of tea, or any other thing prized by the Indian—instead of that which so often ruins both body and soul. In making this appeal, I speak in the name of all my own clergy, and also in the name of the

Rev. J. Black, of the Presbyterian communion, who, in a special letter sent after me, besought me to use any influence in my power to remedy this crying evil. My belief is that, if the Company gives up this practice, the free traders will be led immediately to discontinue it. At least, I think I may answer for the Protestant population."

But if the Church was waging a warfare against the liquor traffic there was a party eager to extend the use and trade in spirits. This was the half-breeds. They constantly complained that they were not allowed to import spirits. They were eager, as well, to distil. They told Colonel J. F. Crofton, who commanded a wing of the 6th Foot, a detachment of artillery, and a detachment of Royal Engineers sent out in 1846 by the Duke of Wellington, that it was very hard not to be able to take spirits from St. Peter's or to distil them themselves. If they were not given this privilege they would not cultivate barley or oats. Colonel Crofton stated:

"They said that there was no use in growing corn for they had no export for it. They also said that the little which they would wish to raise beyond what would subsist them, they wished to distil into spirits, which the Company would not allow. They thought that a great hardship, and they said that the Company not only forbade them to do it with their own corn, but they would not let them import them. This made them, they said, quite miserable in the winter. This was the thing they all harped upon."

Colonel Crofton thought it a very unwise policy to remove the restriction upon the sale of spirits. He believed that after the union of the two great Fur Companies the issue of spirits in barter for furs was gradually dropped. He thought that in the middle Thirties it had ceased altogether. He tells us, without, however, submitting the proof, that the Indian race which had been decreasing in number to that time, thereupon began to increase. It is doubtful whether he had sufficient data from which to draw this significant conclusion. He had himself heard no complaints in the country against the Company for bartering or giving spirits to the Indians. So far as he knew the restriction of spirits was adhered to. He attributed the absence of crime to the absence of spirits.

In July, 1857, the British Government appointed a Select Committee "to consider the state of those British Possessions in North America which are under the Administration of the Hudson's Bay Company, or over which they possess a License to Trade." Among others the following gave evidence: Sir George Simpson, Sir John Richardson, Sir George Back, Bishop Anderson of Rupert's Land, Rev. G. O. Corbett, Colonel Crofton, Hon. E. Ellice, M.P., A. Isbister, A. R. Roche, and John McLaughlin. The question of the use and regulation of spirits, especially in relation to the Indians, was the subject of examination with many witnesses. Not a single voice was raised in defence of its use as an article of trade. Within the memory of most of those who gave evidence it had wrought great havoc. The Company advocated the extension of their license to trade on this very claim, that the Company had given up the use of liquor in barter for furs and could best restrict

the use of spirits throughout its territories. When the Select Committee reported in favor of continuing to the Company the privilege of exclusive trade one of the aims prominently in view was this restriction. The Committee declared that it had three objects in mind,—first, to maintain law and order in the territories; second, to obviate the indiscriminate destruction of the more valuable fur-bearing animals in the course of a few years; third, to prevent the introduction of spirits. It was felt that, if open competition were permitted in the fur trade, this would inevitably lead again to the introduction of spirits with all their old-time fatal results to the Indian population.

There was unanimous opinion against an unlimited introduction of spirits. The most pronounced testimony was given by A. R. Roche, of the Provincial Secretary's Department of Canada, whose policy, however, was based on knowledge of the situation in Canada rather than in the Territories. He declared: "I would prohibit the introduction of spirits altogether; I would not even allow white persons to use spirits in the territory." He admitted, however, the difficulty of enforcing a temperance law so drastic over a territory so extensive.

It is especially interesting to examine the evidence of two witnesses who were not prompted by any prejudice in favour of the Company,—A. Isbister and John McLaughlin, both of whom had lived for some years at the Red River Settlement. Although Mr. Isbister was anxious to curtail the privileges of the Company, yet he admitted to the Select Committee that to throw open the fur trade indiscriminately to all comers might involve "a possibility of spirituous liquors being intro-

duced into that territory in greater quantities than they are now introduced." He declared, however, that the discontinuance of the sale of spirituous liquors, of which the Company was making so great an argument, had applied only to the northern portions of their territories. In the country south of the Saskatchewan, down to the frontiers, "spirituous liquors are either given or bartered—at any rate, supplied—to the Indians." He believed that the red men would not suffer if the whole territory was thrown open to white men "with a guarantee that spirituous liquors should not be introduced into the territory, if there were proper means for preventing it." It would be difficult, but not impossible, to control the supply of spirits. He recommended the system that the Americans were finding so successful,—“to allow no person to trade in furs without a license, which license is forfeited upon the finding of any spirituous liquors in the possession of the trader. One trader is set to watch the other; they have each an interest in informing upon the other.” Isbister introduced into his evidence a complaint bearing date of 1850, made by the United States Government against the Hudson's Bay Company, a complaint which, we learn, was also voiced by Hon. N. W. Kitson, representative of Minnesota, and himself a fur trader of note, that the Hudson's Bay Company was supplying liquors in large quantities to the Indians, with the most demoralizing effects.

In his evidence John McLaughlin acknowledged that he had himself smuggled spirits into the country. It was a matter of notoriety that the Company bartered spirits in exchange for furs. It used these most extensively in trade where it encountered opposi-



tion. On the Pembina where the Company felt the competition of Mr. Kitson and the American Fur Company "liquor was the principal item of goods which went out to supply the Indians to get the furs." McLaughlin insisted that if the fur trade was opened up the control of liquor could be easily managed from Norway House and Fort William. To exclude the Americans, however, would be impossible. But they were already controlled, for their license to trade permitted no spirits. And their own authorities constantly subjected their carts to thorough search. According to their charter they were not allowed to "give to any Indian, nor sell, vend, nor distribute spirituous liquors among the Indians, nor suffer any of their clerks, engagees, or boatmen, to give, sell, vend, convey, or distribute any spirituous liquors to or with the Indians." McLaughlin was of the opinion that the Hudson's Bay Company bartered spirits for fur on a larger scale in their district than did the American Fur Company on the southern side of the boundary.

"The Indians would, in my opinion, be benefited by a free open trade, provided spirituous liquors could be excluded," declared a witness. In this sentence is the statement of a proviso on which both the advocates and opponents of the Hudson's Bay Company were agreed. There was difference of opinion as to the advantage or disadvantage of removing the monopoly of trade in furs. But all alike were agreed that "spirituous liquors should be excluded from the Indians." It was well known that the Indians themselves differed widely, that the Chipewyans refused spirits, and that the southern tribes were highly addicted to them. But it was generally felt that spirits were excessively harmful and dangerous to all Indians

without exception. Hon. E. Ellice, M.P., a veteran of the fur trader, admirably summed up the situation in answer to a question directed to him by Mr. Roebuck of the Select Committee: "In your opinion, is it possible to regulate the morality of any body of people by law?" Ellice replied: "That is a very wide question. I should certainly say not; but still, when you have to deal with poor people like the Indians, whose passions may be excited easily by the use of spirits or any other stimulant, I think it is your duty, as far as you can, to prevent those consequences."

## CHAPTER IV.

### THE DISTRICT OF ASSINIBOIA OR THE RED RIVER SETTLEMENT, 1812-1870.

On June 12th, 1811, the Hudson's Bay Company ceded to Thomas, Earl of Selkirk, a large territory along the Red and Assiniboine Rivers. Here was made the first permanent settlement of an agricultural kind in all that vast country which is now Western Canada. It is the use and regulation of liquor in the community that grew up at this place that is the subject of the present chapter.

From the one river the community was called the Red River Settlement; from the other the district received the name of Assiniboia. The first Governor of the District of Assiniboia was Captain Miles Macdonell. In the instructions issued to him by Lord Selkirk it was noted that among the supplies awaiting him at York Factory would be 25 gallons of rectified spirits. "For all these supplies," wrote Selkirk, "you will give a receipt so that the value may be settled for here." Macdonell brought the colonists to the Bay for the winter of 1811-12. There they celebrated New Year's Day, 1812, with a somewhat too generous indulgence in strong drink. The festivities were interrupted, or reinforced, by a fight between the Irish and the Orkneymen. The result was that some of the Irish were sent back home as "worthless blackguards." Three of the Orkneymen were too badly beaten to be sent anywhere but to bed. For a month their lives were despaired of, but ultimately they recovered.

On September 4th, 1812, after the wearisome journey of the settlers to the Red River, Governor Miles Macdonell took formal possession of the District in the name of Lord Selkirk. The occasion was celebrated by the firing of the signal gun, the reading of the Governor's commission, the hoisting of the colours, and the reading of the conveyance in both English and French. Then came the discharge of seven swivels and the giving of three cheers. "The gentlemen assembled at my tent," wrote Governor Macdonell, "and partook of a cold snack and we drank toasts appropriate to the occasion. The head was driven into a keg of rum for the populace." The permanent settlement of the West had begun, and had begun with "a keg of rum for the populace." It is the history of that keg of rum and its kindred kegs in relation to that populace and succeeding populaces on the Prairies that we here trace.

The first years at the forks of the Red River were crammed with suffering and vicissitudes. The colonists had come under the auspices of Lord Selkirk who was heavily interested in the Hudson's Bay Company. The officers of the competing North-West Company believed, or affected to believe, that the colony was simply an instrument in the hands of a rival in the fur trade. They scoffed at the idea of founding an agricultural settlement two thousand miles distant from the Atlantic seaboard. The settlement lay on their own route from the rich region of the Athabasca to their great post at Fort William. And hot-headed Miles Macdonell, who knew nothing of compromise, helped matters not in the least by posting up proclamations and issuing notices ordering all and sundry to quit his Lordship's territories, but by no means to carry any

provisions out of the district. The unhappy settlers became involved in the open warfare between the rival fur companies. Twice the settlement was broken up. Defections followed. The large party that went to Canada never returned. Those that made their way to Norway House after the second breaking-up of the colony were brought back by Colin Robertson. These unsettled conditions were unfavourable to the growth of agriculture and to the establishment of permanent order. The trip to Pembina had to be undertaken on more than one occasion during the early years because the quantity of grain was inadequate to support life.

In the midst of these troubles, on June 22nd, 1815, Governor Miles Macdonell was forced to surrender to the North-West Company. The administration thereupon devolved upon Surgeon James White, who had been second in command. Unfortunately White was quite unequal to the task of government. And Robert Semple gives the reason,—“Mr. White has proved himself a slave to liquor. Mr. Fidler has seen him in a state of intoxication for days together, and Captain McDonell has exacted from him a solemn oath and the signature of a contract to abstain from a vice so degrading to a young man.” The influence of that “keg of rum” was beginning to be felt in the settlement.

On the death of Governor Semple at Seven Oaks, June 19th, 1816, Alexander McDonell, who had been Sheriff of the Settlement, succeeded him as Governor. Alexander Ross, the Red River historian, has pictured in graphic language the serious influence of that “keg of rum” in high places under his regime:

“His court . . . was little more than one prolonged scene of debauchery. From the

time the puncheons of rum reached the colony in the fall, till they were all drunk dry, nothing was to be seen or heard about Fort Douglas but balling, dancing, rioting, and drunkenness in the barbarous spirit of those disorderly times. The method of keeping the reckoning on these occasions deserves to be noticed, were it only for its novelty. In place of having recourse to the tedious process of pen and ink the heel of a bottle was filled with wheat and set on the cask. This contrivance was, in technical phraseology, called the hour-glass, and for every flagon drawn off a grain of the wheat was taken out of the hour-glass and put aside till the bouse was over; the grains were then counted and the amount of expenditure ascertained. From time to time the great man at the head of the table would display his moderation by calling out to his butler,—“Bob, how stands the hour-glass?” “High, your Honour! high!” was the general reply,—as much as to say, they had drunk but little yet. . . . The challenges to empty glasses went round and round so long as a man could keep his seat; and often the revel ended in a general melee which led to the suspension of half-a-dozen officials and the postponement of business, till another bouse had made them all friends again. Unhappily, sober or drunk, the business they managed was as fraudulent as it was complicated.”

Captain Bulger succeeded Alexander McDonell as Governor of Assiniboia in 1822. He proved a con-

scientious administrator. It is evident that he kept a "good cellar." There is still preserved the record of the examination, of a witness, James Mitchell, before the Council of Assiniboia, July 8th, 1823. After being duly sworn on the Holy Evangelists Mitchell gave evidence regarding the theft and consumption of some of Governor Bulger's property:

"That on or about the twenty-fifth day of November last he was in the house of David Tully, when he saw Hugh Monro, one of the servants of Fort Douglas, bring in a quart pot nearly full of port wine. . . .

"That he, the said James Mitchell, did drink a part of the same wine in company with David Tully and the said Hugh Monro.

"That after the aforesaid persons had drunk the quart of wine, the said Hugh Monro brought in at different periods during the same evening and night pots containing shrub, Jamaica Rum and rectified spirits, the whole of which was drunk by the aforesaid parties.

"That he, this deponent, now hath reason to believe and doth believe that the wine and other liquors as before mentioned were the property of Captain Andrew Bulger, the present Governor of the said colony, and that they had been clandestinely taken by the said Hugh Monro from the private apartments of the said Captain A. Bulger. . . .

"That on or about the twelfth day of January last he being then in the house of the

aforesaid David Tully, saw the said Hugh Monro bring into Tully's house some spirituous liquors which he the deponent believes to have been the property of the said Captain Andrew Bulger, and that the before mentioned David Tully and others did drink the said spirituous liquors."

The use of liquor was not confined to official circles. As early as January 5th, 1819, Pere Dumoulin wrote to Bishop Plessis that the chief obstacle to the conversion of the Red River Indians "was the wretched custom established in the country of intoxicating the natives when anything was wanted of them. The colony did it with no more scruples than the Company. In the conventions made with the Indians for the purpose of extinguishing their title to the land, one of the chief clauses was that the colony should yearly furnish them with a stipulated amount of rum; so that they had much more than was necessary for them to get drunk." The missionary further mentions that in the autumn of 1818 an Indian woman had been killed in one of the orgies prompted by an abundance of liquor. He adds that such outrages were by no means infrequent.\*

It was on September 25th, 1823, on his arrival at the Settlement, that Robert Parker Pelly became Governor. Among the Instructions given him was one that related to the giving of spirits to the Indians:

"With respect to the Indians in general, Captain P. cannot be too circumspect. They are for the most part easily managed

---

\*A. G. Morice, - History of the Catholic Church in Western Canada, i, 125



but firmness and kindness are the best means of ruling them. Above all things the distributing **spirits** among them should be carefully avoided; but they have hitherto been so much in the habit of receiving spirituous liquors from Europeans that the custom must be abolished **cautiously**, and in most parts of the country **gradually**... Upon this and other points Captain Pelly will find the principal settlers always ready to assist, and when necessary to advise with him."

In 1825 came the utter failure and collapse of the venture known as the Buffalo Wool Company. There were doubtless other contributing causes, but Alexander Ross, who had personal knowledge of the situation, attributes part of the blame to the prevailing drunkenness:

"Half the people were off duty, officials as well as others, wallowing in intemperance. One man lying drunk here, another there; the bottle and glass set up at every booth, and all comers invited to drink free of cost. The hides were allowed to rot, the wool spoiled; the tannery proved a complete failure."

By the summer of 1824 we begin to see the influence of one George Simpson in the Settlement. Simpson, whatever may have been his own personal habits, during his long regime in the West proved a stern foe to liquor, particularly liquor for Indians. It was he that reported to London that one of the Councillors of Assiniboia, William Hemmings Cook, was not only timid and weak as a child, but also "drunken and

without either body or mind." He had ascertained that Selkirk had at one time given his consent to allow settlers to distil spirits. These settlers had not forgotten the promise. They were now insisting on commencing operations. "And," wrote Simpson, "this demand is not confined to the lower orders but has been taken up by the Gentlemen of the Council headed by McDonell, who shows his Lordship's authority. But we have firmly opposed it knowing the dangerous consequences that would follow. If distillation is once commenced it will not be safe to live in this Settlement."

In the middle Thirties the District of Assiniboia passed back from the Selkirk Estate to the Hudson's Bay Company. The Council of Assiniboia was re-organized. In no respect was the change in the character of the legislation more observable than in the matter of the regulation of liquor. The Company's liquor policy, especially in relation to Indians, became in large measure the policy of the Red River Settlement. Undoubtedly this was the result of Simpson's influence. It found expression in a formal resolution of Council, June 13th, 1836:

"It being found that the public tranquility of the Settlement is greatly endangered by the sale and traffic of beer to Indians, it is resolved.

"That such sales or traffic be prohibited from and after the 1st of July of the current year, and that any one who may sell to or traffic beer with Indians after that date be liable in a penalty of twenty shillings for

every such offence, all such fines and penalties to be made applicable to public works."

In the following February half the fines received from convictions was given to those "who gave information of sale and traffic of beer with Indians."

On June 16th, 1837, a new expedient was adopted for the regulation of liquor consumption. An excise duty of two shillings per gallon was levied on all proof spirits consumed in the Settlement. In anticipation of the erection of a distillery, which, however, was fated not to be set in operation, regulations were adopted for controlling its production. All spirits exported from the Settlement were declared free of duty. The revenue arising from excise duties was made applicable to the maintenance of the Police; Gaol, Court House and other public works and institutions. The policy of erecting a distillery within the district was debated at more than one meeting of Council. On June 18th, 1839, a large majority declared that the manufacture and sale of native spirits, if placed under restrictions similar to those employed by the Company in their importation and sale of foreign spirits, would be at once "safe and advantageous." The reference here must be to the 40th and 59th rules of the fur trade which regulated the sale of spirits, and discouraged their use among the Indians. The mind of the Council, then, was that if suitable precautions were taken to keep the spirits from the Indians it would be "safe and advantageous" to manufacture and sell native spirits.

By July 4th, 1839, the Council succeeded in drawing up its legislation in the matter of distillation. To the Company was reserved the sole right to distil

whiskey or any other spirit. The penalty for private distillation was ten pounds for each offence, with forfeiture of all instruments of distillation and of all distilled spirits privately manufactured. Half of the fines were given to informers. The Governor and Council were to issue half-yearly licenses, at the rate of two guineas each, for the sale of spirits in quantities less than one imperial gallon. For unlicensed traffic in spirits a penalty of five pounds for each offence was fixed.

The law against selling beer to Indians was constantly violated or evaded. The result was much injury to private property and the disturbance of public order. On June 8th, 1840, the Council proceeded to tighten up the restrictions. Special privileges were reserved to ordained clergymen, licensed physicians, surgeons, apothecaries and representatives of the Company. Heavy penalties, without appeal or mitigation, were fixed for all others who either gave or traded liquor to Indians or who, during the summer months, engaged in the liquor traffic with persons convicted of complicity in this trade,—

For the first offence,—a fine of two pounds sterling, imprisonment till the fine was paid, and disqualification, for twelve months after conviction, for holding any public office, commission, license or emolument;

For the second offence,—a fine of three pounds sterling, imprisonment till the fine was paid, and a similar disqualification for two years;

For the third offence,—a fine of four pounds sterling, imprisonment till the fine was paid, and a similar disqualification for three years.

The informer was given half the fine and any balance of the penalty after the cost of maintaining the offender in prison had been paid. Any offender, other than the original and actual giver or seller, might go scot free by becoming "an informer's true witness." On conviction restitution in goods or money had to be made to the Indian. The trial was before the Governor and Council and a jury. On June 5th, 1841, the Council re-enacted both this legislation and that on distillation with a slight modification of the penalties. At the same time medical practitioners were granted the privilege of distilling for professional purposes.

On July 3rd, 1843, Maximilien Genton, later a member of the Council, presented a petition for the erection of a distillery. The Council believed that the establishment of a public distillery would discourage private distillation. It was eager to have distillation in the hands of the Company. The Company declined to engage in this activity. After a season of protracted debates the Council finally undertook to call for tenders for the erection of a public distillery. At the same time it laid down as conditions for the sale of spirits: the price per gallon must not exceed six shillings, including one shilling tax; at least two shillings per bushel must be paid for barley; sales and purchases must be for cash only; purchases must be fairly distributed among others than partners and servants of the distillery.

On June 19th, 1845, the Council prohibited imports of rum. It had recourse to the expedient of accepting for the Settlement an Imperial Statute, 5 and 6 Victoria, Ch. 49, which regulated the foreign trade of British Possessions in America. This Statute had a Table of Prohibitions and Restrictions which included

Gunpowder, Ammunition, Coffee, Sugar, Molasses, Counterfeit Coin, Prohibited Books and Rum.

The intoxicating of Indians and distillation engaged the attention of the Council again in 1845. "The interested reluctance of the Indians and the mistaken delicacy of the settlers rendered the existing law inoperative. New features were introduced. The Indian was given certain discretion in choosing the manner of the restitution that was made him. In case of unprovoked violence, or even the threat of such, inebriated Indians were required to furnish sureties for good behaviour, or, in default of such, to go to prison till they prosecuted the party who furnished the liquor. Where there was violence or the threat of violence, but no drunkenness, Indians unable to furnish sureties were to be kept in prison for a month. A series of penalties was fixed for brewing,—

For furnishing a vessel for brewing or for preparing to brew,—two pounds;

For furnishing the malt,—three pounds;

For furnishing fermented drink,—five pounds;

For furnishing distilled liquor or any other means of intoxication,—ten pounds.

The Council was anxious to enlist public sentiment on the side of the law. Under the former system of giving a share of fines to informers anyone who sought to vindicate the law was suspected of interested motives. The device was now adopted of dividing the penalties and fines in accordance with the Imperial law for the Regulation of Trade in British Possessions. At the same time, provision was made for indicting as a common nuisance the general habit of violating the

law, without the necessity of establishing any individual offence in a circumstantial way; for more clearly defining offenders and offences; for holding all reputed Indians to be real Indians for the purpose of the law; for making the possession of malt or beer or spirits in an Indian camp or tent in the Settlement an offence liable to a heavy penalty.

It needed only the intimation on the part of the Company of its intention of establishing a distillery to throw the Council into a fever of legislation against competition. From "two pounds to ten" the penalty for illicit manufacture was raised to "ten pounds for each and every instance." To the Committee of Economy were entrusted all penalties to be used for public purposes. Regulations were adopted for issuing licenses to retail spirits, for keeping the spirits from the Indians, for preventing premises becoming common nuisances through tippling, and for checking any unlicensed traffic. The Company undertook to reduce its native spirits to proof strength; to tinge them with a peculiar hue not easily imitated; to sell its native spirits at six shillings a gallon in quantities not less than half a gallon; and to pay on these a duty to the Settlement of a shilling a gallon. In due course the Company built the distillery, but, inasmuch as it was not put into operation, this legislation proved a dead letter.

By the middle of the Forties the fight for free trade in furs had assumed serious dimensions. The police were notoriously inefficient. The dissatisfaction among the half-breeds was growing. The recorder, Adam Thom, aroused hostility on all sides. The Oregon dispute threatened trouble. The Governor asked for

disciplined troops. These arrived to the strength of nearly 350 in 1846. Their presence accounts for the legislation of January 15th, 1847, against giving or selling spirits to a soldier on the part of any person other than the Company. In February 19th, 1847, regulations were passed to govern the issue of licenses for selling or bartering beer, wine and spirits to be drunk on one's premises. These licenses were issued to approved applicants without charge and were to run from March 1st to November 30th. They covered the hours between 7.00 a.m. and 9.00 p.m. on week days, but on Sundays not before 4.00 p.m. Any magistrate might revoke a license for violation, or for disturbance of the neighbourhood. An appeal lay to the General Court, but if the appeal were not sustained the appellant not only lost his license but was adjudged incapable for three years of holding a public office or enjoying a public privilege.

In the summer of 1847 the experiment was tried of permitting the importation of spirits from the United States. On May 20th, 1847, this was decided upon on recommendation of the Finance Committee. Spirits of proof strength and liqueurs were admitted from the United States on payment of a duty of a shilling a gallon in addition to the existing duty, which was four per cent. on prime cost and a shilling a gallon. The British import thus enjoyed a preferential rate of one shilling a gallon. For spirits of more than proof strength the duty was proportionally increased. Provision was made to forfeit spirits of less than proof strength as well as spirits and liqueurs imported in vessels less than full or less than eight gallons. Spirits left on the wayside between St. Peter's and the Settlement, or broached before payment of duty, or not re-



ported within twenty-four hours of arrival in the Settlement were subject to three times the regular duty. The duty on wines was one shilling a gallon in addition to the existing duty of four per cent. on the prime cost and seven per cent. of the local value. This local value was estimated at three-fourths of the average price of all wines sold by the Company. Wines, too, must be reported within twenty-four hours of arrival. They might not be transported in packages containing less than two dozen bottles. Special privileges were given traders who personally accompanied their importations all the way from St. Peter's. These might sell for cash their own importations of spirits, of a strength not less than proof, and in quantities not less than two gallons. The Council was cautious not to infringe upon the rights of the Company. A formal resolution was passed:

"That these regulations, as a matter of course, neither supersede nor restrict the rights of the Hudson's Bay Company in any way; nor do they control its business, except as to payment of duties."

The experiment of importing liquor from the United States proved a failure. By November 18th, 1847, the Council had found that it had become a very fruitful source of trouble and inconvenience. Accordingly from this date the importation from the United States was prohibited under penalty of confiscation. The whole question was raised again at a later date, but, in the meantime, the experiment was stopped. There was an echo of the experiment a year later when the Council took action upon the case of a Mr. Green who, during the summer of 1847, had imported 95

gallons of spirits and paid the duty on them. On December 7th, 1848, the Council took over the spirits at nine shillings a gallon and empowered the Committee of Finance to dispose of them to the best advantage.

On December 8th, 1848, the License Law was amended. The charge for each yearly license for the sale of liquor was fixed at a guinea. At the same time, it was forbidden to sell whole kègs of beer without a license, except on private premises.

The legislation in the Red River Settlement, as reported by the Law Amendment Committee of 1851 and unanimously enacted by the Council, July 13th, 1852, was now, in the matter of distillation and the intoxicating of Indians, as follows:

### **Distillation.**

18. If, without the Hudson's Bay Company's authority any person distil, or attempt to distil, native spirits, or own, or possess, either such spirits, or any vessel, or materials, prepared or intended for the manufacture thereof, he shall be fined ten pounds, and shall forfeit all such materials or vessels or spirits.

### **The Intoxicating of Indians.**

19. If any person, without distinction of race, supply any reputed Indian, or any member of an Indian nation, with the means of intoxication, he shall be fined as follows:—

Two pounds for furnishing any brewing utensils;

Three pounds for furnishing malt;

Five pounds for furnishing fermented liquors;

Ten pounds for furnishing any other immediate cause of intoxication.

20. In addition to these fines, the offender shall make restitution to the Indian of all the equivalent which he may have received, if any, for such furnishing,—every part of such equivalent, not being money itself, being valued, for this purpose, at prime cost.

21. If an intoxicated Indian commit, or threaten to commit, any unprovoked violence, he may be imprisoned, in addition to any specific punishment, till he prosecute the person who may have been guilty in the matter.

22. If any person possess, or have possessed, malt or beer or spirits, or any other of the above specified means of intoxication, in the society or tent of any Indian, he shall be held guilty of furnishing such means of intoxication to Indians.

On June 23rd, 1858, Resolution 18 above was repealed as being “no longer expedient or suited to the wants and circumstances of our community.”

The closing years of the Fifties were momentous for the Settlement. The Company's license was due to expire in 1859. In 1857 the Select Committee of the British House of Commons made a searching enquiry into the Company's affairs. It left the Honourable Adventurers with their sole license to trade, but with diminished credit. In Canada a new interest had been taken in the Territory. The very presence of Canadian delegates before the Select Committee had manifested this. It was shown no less by the arrival of Canadian settlers at the Red River. The old struggle to secure

free trade in furs was widening into an agitation looking for civic rights. A printing-press had arrived and the "Nor'-Wester" would soon make its influence felt. Men were beginning to think of the destiny of the West. Trade relations with the United States might have the most unexpected results. The most lively interest was taken in the matter of the importation of liquor from the United States. The example of British Columbia was being watched by others. On all sides there were signs of a larger outlook and a wider interest. There was not yet any responsible government in the Settlement.\* If the Council was to be induced to follow any new course pressure had to be brought through petitions. It was an era of petitions. The Council was for a time well-nigh deluged with them.

The importation of spirituous liquors from the United States had, as we have seen, been prohibited. It had not, however, been entirely discontinued. Smuggling was constantly going on. On March 10th, 1859, no less than four petitions were presented to the Council by members of the Council: Robert McBeath, Thomas Sinclair, the Bishop of Rupert's Land and the Bishop of St. Boniface. The first, with thirty-nine signatures, deplored the evils introduced into the Settlement by the large importation of spirituous liquors from the United States. It suggested either a tax per gallon or a license, "and that of a considerable sum," for the sale of liquor. It adduced the example of British Columbia which had adopted a High License policy and derived therefrom a revenue sufficient to found a school in Victoria. The petitioners concluded: "This evil, if not repressed by some legislative enactment, will hinder the progress of civilization in this land, and, above all, will effectually prevent the spread

of the Gospel among the remnant of the Indian population." The other three petitions were alike, two, however, in English and one in French. The first had 146 signatures; the second, from the Parish of St. Andrew's, had 53; the third, without signatures, was attested by the Bishop of St. Boniface. These deplored the large and constantly increasing importation of intoxicating liquors; stated that "the whiskey imported from the United States is of the worst quality, containing ingredients which are positively poisonous and therefore ruinous to health;" declared that this importation was fatal to the moral and material interests of the Colony, exerted the most deplorable influence upon the Indians, and utterly frustrated all the efforts of pious missionaries for their social and religious improvement. They asked the Council to prohibit the importation of all impure or adulterated liquors and of ingredients for their manufacture; to subject other liquors to an import tax of not less than five shillings per gallon; if impure adulterated liquors were admitted, to impose on them a duty of at least eight shillings per gallon; and to put into force a license system to regulate the sale and manufacture of all ardent spirits. The Council appointed a Committee to draft a system of laws to regulate the importation of spirituous liquors.

The full code of legislation regarding the Sale of Liquor as on May 26th, 1859, is quoted herewith,—

1st.—To protect incautious persons from the injurious effects of using impure Spirits: It shall not be lawful to import or sell any Spirits adulterated with Vitriol, Turpentine, Strychnine, Cocculus Indicus, Tobacco, or any

poisonous or deleterious substance whatever;—And any person convicted on sufficient evidence before a Petty Court of having adulterated Spirits in possession shall be condemned to the forfeiture of the same and all such spirits shall be destroyed in the presence of any Magistrate, whether of the Peace or of Petty Court;—And any person convicted on sufficient evidence before said Court of selling adulterated Spirits shall, for each offence, pay a fine of Twenty Pounds Sterling, or, at the discretion of the Court, be imprisoned for not more than three calendar months;—A reward of Ten Pounds Sterling to be paid on each conviction to any person or persons who shall give such evidence as shall secure conviction.

2nd.—That it shall be lawful for the Bench of Magistrates of the Peace and Petty Court, in their several Districts, assembled on the first Monday of the month of June in each year, to issue Licenses for one year only to approved applicants (who shall be Landholders in this Settlement) allowing the sale by retail of all Spirits lawfully imported, or of native manufacture (all quantities under five gallons shall be counted retail) and that a sum of Ten Pounds be paid for each License so issued. The number of Licenses shall not for this year exceed Twenty for the whole Settlement. And any person selling Spirits by retail without such License shall, on conviction before a Petty Court on the oath of one or more witnesses, for each offence pay a fine of Ten Pounds Sterling and be imprisoned

until the fine be paid, one-half of the fine shall go to the informer. And the form of the License shall be according to the Schedule A. And any offence against the provisions of said License shall be punished by forfeiture of the same.

### **Schedule A.**

This is to certify that you ..... are hereby permitted to sell any Lawful Spirits in any quantity under five gallons to any person or persons subject to the following restrictions: Not between the hours of nine o'clock at night and six o'clock in the morning; Not in any hour during the Sabbath; Not to any intoxicated person; Never to any Indian or person popularly known as an Indian. Any act contrary to the above restrictions shall make your License void and of none effect. This License shall continue in force for Twelve Calendar Months.

3rd.—That it shall not be lawful to sell any intoxicating liquor to any person popularly known as an Indian, and any person convicted, before a Petty Court, on the oath of one or more witnesses, shall be assessed in the following penalties, viz:

For selling beer or any fermented liquor to any Indian or Indians, the penalty shall be a fine of Five Pounds Sterling for every offence, with imprisonment until the fine be paid. The whole of the fine to go to the informer.

For selling distilled spirits to any Indian or Indians, the penalty shall be a fine of Ten Pounds Sterling for each offence, with imprisonment until the fine be paid; one-half of the fine to go to the informer.

4th.—That it shall be lawful for each Petty Court, out of the fund arising from Licenses and Penalties, to defray any necessary expense incurred in enforcing these three resolutions, accounting to the Governor and Council for all such receipts and expenditures.

Lastly.—That all spirits imported before the 1st of May, 1859, shall not be seizable before the first Monday of July of this year. And all spirits imported before the first day of May of this year may be sold without License until the first Monday of July of this year.

On March 5th, 1861, 44 residents on the east side of the river, directly opposite Fort Garry, complained of the house kept by one Jean Mager. They alleged that it was used for the retail of liquors of an intoxicating quality, including "villainous whiskey, the nature and ingredients whereof are at present unknown to your petitioners." They claimed also that it was a gamblers' resort. The Council simply referred the petitioners to the Courts to take any necessary action. At the same time other petitions were laid before the Council. The first of these made request,—

1st.—That all liquors be sold by License, and that the License be reduced to the lowest rate possible.

2nd.—That beer be free of Duty or License.



3rd.—That Licenses be issued any time during the year.

4th.—That no person obtain a license but those of sober, and upright character, people respecting themselves and thus claiming respect from others.

5th.—That protection be afforded the License-holders.

6th.—That none obtain a license but proprietors of land.

7th.—That all liquors distilled in this Settlement may be free of duty.

8th.—That distillers may not grow their own grain and thus deprive others of market, but buy their grain from others, thus giving market to each other.

9th.—That every effort be made to stop importation of liquor from the United States, and, if it cannot be stopped, that it may be taxed to the highest.

Two other petitions, one from the Lower Settlement with 52 signatures, the other with 101 signatures, viewed with gratification the efforts made by the Council and Courts to regulate the traffic in intoxicating liquors and to check the evils of intemperance. But it was still so extensive as adversely to affect the community. What was now required was aggressive action. They made the following suggestions:

1st.—A rigid enforcement of the existing law in respect to licenses, and its extension to cover wine and beer as well as spirits.

2nd.—The imposition of a duty of at least five shillings per gallon on all liquors, whether

wine or spirits, imported from whatever quarter.

3rd.—The subjection of all spirits manufactured in the Colony to a duty of three shillings per gallon.

4th.—The total prohibition of all impure or adulterated liquors and of the ingredients of which such may be made.

5th.—The appointment of officers for the express purpose of the enforcement of this liquor law.

6th.—The publication a month before the granting of the licenses of the names of all applicants, and the withholding of the license in cases where two-thirds of the householders within one mile of any applicant so petition the magistrate.

The Bishop of St. Boniface, who was proving most aggressive in his attacks on the liquor traffic, moved for an impost of five shillings on all imported fermented and spirituous liquor. An amendment brought forward by Dr. Bunni carried to "except such as shall be proved to have been directly imported from the United Kingdom by the consignee." Thereupon Bishop and Doctor united forces in a motion that carried unanimously, that licenses for the retailing of wine, beer, or any intoxicating liquor whatever, be granted under the same conditions as for spirituous liquors. At the same time it was decided to hold quantities less than eight gallons for beer, and one gallon for wine, as retail, and to grant no retail license to any distiller of whiskey.

The number of liquor petitions presented to the Council was becoming so great, and the time consumed in their consideration so burdensome that on March 14th, 1861, the Council decided to issue a statement of its general policy. It declared:

"The Governor and Council do not deem it expedient to facilitate and encourage the increased retail sale of intoxicating liquors, and thereby add to the growing immorality and pauperism of this heretofore well conducted population, by removing any existing restrictions.

"The Governor and Council do not perceive that the time has yet arrived for the levying of any excise duty upon Distillation, which is an infant manufacture consuming Farm Produce, but would encourage the investment of capital in that direction so as to manufacture an exportable commodity and which would satisfy home consumption, invite by its fitness exportation to Rupert's Land, obviate the necessity of foreign supply, and thereby promote and reward agricultural industry."

At the same time it was decided that in prosecutions for the recovery of penalties for breach of the liquor laws information must be given within six months of the commission of the offence.

The difficulty of enforcing the laws occasioned the Council no little anxiety. It was finally decided, on April 9th, 1861, to appoint a special police officer, whose duty would be to enforce the laws for prohibiting the illegal sale of intoxicating liquor. The first appoint-

ment was that of Nicholas Mousard. He was given a salary of 30 pounds yearly.

In spite of all efforts to check what was generally regarded as an evil, wines and spirits were being brought in from the United States,—“profuse in quantity and deleterious in quality” was the official judgment on them. Such importations as came from Canada, or the British Dominions, did not merit the same condemnation. The Council felt that to abolish the consumption of spirits was unattainable. It placed before itself as its aim, “to moderate its quantity and to protect against the evils of adulteration.” To effect this, its policy was to impose differential duties on the importation of wine and spirits,—to levy heavy duties upon impure mixtures, and to admit approved manufactures at the usual rate. In this way it sought to protect the native manufacture as against importations from the United States. The Council looked forward to a thorough-going policy of protection for the home industry in the matter of wine and spirits,—

“When the native manufacture shall be met to supply by its quantity and quality the wants of the country it will be imperative on the Government to protect by heavy Duties local production against all foreign competition; until then, legislation can only tend to protect public health, and if possible public morality by making it most profitable to import of wine and spirits only what is genuine, and exclude what is adulterated (it may be feared that even the differential Duties may fall short). The source of supply is the only test of purity at present attainable since there

is not in the Colony Analytical Chemistry sufficient to supply any other.

“Next in benefit to the abolition of the abuse of spirits is the home production of what is consumed,—since expenditure cannot be prohibited let it reward the industry of the home, and not the foreign farmer.”

On April 11th, 1862, there was a restatement of the liquor laws, but only minor changes were introduced. The quantities regarded as constituting retail trade were set forth with explicitness; spirits, under five gallons; beer, under eight gallons; wine, under one gallon. On this same date a duty of five shillings per gallon was imposed on all fermented and spirituous liquors imported from the United Kingdom by the consignee. We have already seen that the Council on March 14th, 1861, made exception in behalf of such imports from the United Kingdom. They had enjoyed the exemption for the year only. All were now on the same plane. Nor did the Bishop of St. Boniface relax his zeal to control or abolish the liquor traffic. On June 4th, 1862, he carried a resolution through the Council, that no wines or spirits, except for church services, should be allowed to pass through the District of Assiniboia in bond, but all should bear the legal duty.

The time of the Council continued to be largely occupied with the consideration of matters relating to the liquor traffic. It received petitions for granting, and petitions for discontinuing, licenses. Usually it referred these to the Licensing Magistrates and enjoined them to use their discretion. The question of levying a tax on distilleries was before it in July, 1864. The

rate <sup>2</sup>was fixed at fifteen Pounds, to cover also a retail license. On June 12th, 1865, it introduced certain changes into the issuing of liquor licenses. It made them issuable only in the first week of the months of June and December. Applications had to be made to the President of the Bench of the proper District not later than the 15th day of May or November. The President was obliged to give notice on the doors of at least one of the churches of the District of the fact of the application and of the day fixed for the final disposal of it by the Bench. No license might be granted where a majority of the householders in the neighbourhood,—meaning the six nearest householders on each side of the house intended to be licensed,—made personal objection before the Bench. It was soon found that difficulty was experienced by some in the Settlement in giving effect to their objections to the granting of licenses because they were restricted to a certain specific day for appearing before the Licensing Bench. This was changed on January 4th, 1866. Permission was given to appear before the Bench at any time for this purpose.

On May 30th, 1865, the import tax was fixed at one shilling a gallon for all imported spirituous and fermented liquors and all wines except for church services, which, as before, remained free from import tax. On January 4th, 1866, these were made payable immediately on entry.

In the summer of 1866 the Settlement was subjected to Indian disturbances. They had made raids on the cattle and damaged the other property of the settlers. Governor Mactavish reminded the Council that there was no law to prevent the carrying of spirits out of the municipal district to the Indians. At the

same time he intimated that the Administrator of the Government of Canada, Sir John Michel, had forwarded despatches which stated that the Secretary of State of the United States had complained to the British Minister at Washington about the demoralizing trade carried on among the Indians of the Upper Missouri by the sale of whiskey by persons alleged to be British subjects. The authorities of the District of Assiniboia were asked to investigate the situation, and the hope was expressed that steps would be taken to restrain them in the interests of civilization and morality. The question at stake was two-fold. Were the settlers of the Red River supplying liquor to both the Indians of the Hudson's Bay Company's Territory outside the District of Assiniboia, and, also, to the Indians of the United States Territories? The Council stated:

"There was no doubt that it became highly desirable to devise means for the suppression of so pernicious a traffic, but with so widely extended a frontier in such a country and so limited a staff of officers to watch it, the great difficulty was how to give practical effect to any new law that might be passed on the subject, and, moreover, it appeared to be by no means certain that it was not by American citizens themselves that the traffic complained of from Washington was principally carried on."

Lying west of the circumscribed District of Assiniboia, there was in the middle Sixties a little settlement at Portage la Prairie. Here, also, the liquor problem caused trouble. The settlement, unable to secure municipal privileges from Assiniboia or the Com-

pany or from Canada, to all of which it applied in turn, set up a republic with Thomas Spence as President and Finlay Wray as Secretary and seven citizens as a Council. All settlers were called upon to swear allegiance to British laws. To carry out its work effectually and to overcome the turbulent, it was decided to build a Government Council house and gaol. An import tax was resolved upon to meet the expenditure involved. The local officer of the Company stoutly refused to contribute. A Scotch cobbler, by name Macpherson, also succeeded in bringing the Council into contempt. He circulated the story that the money collected for the gaol was being spent by the Council upon liquors. An attempt to indict Macpherson for high treason led to his rescue by his friends. In the resulting engagement two drunken constables played an ignominious part in their effort to carry through the law. A despatch from the Duke of Buckingham and Chandos, from Downing Street, put an end to the abortive attempt to establish a republic. But the episode indicated with great clearness the inability of the Council of Assiniboia to maintain order, or to control liquor, outside of a very limited area about the forks of the Red River.

On November 7th, 1868, the Licensing System of the District was revised by the Council. The regulations against the "Intoxicating of Indians" remained as at April 11th, 1862, but all other existing liquor laws were repealed and in their place a new statement of liquor regulations was made. As these continued in force to the end of the District of Assiniboia itself they are given herewith with some completeness,—

Hereafter there was one kind of retail liquor license, issuable once a year, in the



first week of December only, at the price of ten pounds, and permitting the holder to manufacture spirits, wines and beer, and to sell the same in any quantity subject to restrictions set forth in a schedule:

No sales to take place between 10 p.m. and 6 a.m.;

No sales on Sunday (added later, 'nor on Christmas nor Good Friday');

No sales to any intoxicated person;

No sales to "any uncivilized or unsettled Indian, either directly to the Indian, or, knowingly on the part of the seller, indirectly to another, for the Indian."

All manufacturing and selling to be confined to premises mentioned in the license.

Any breach of the conditions would cause the forfeiture of the license without restitution of whole or part of fee.

Any breach of the conditions involving the violation of laws against the intoxicating of Indians to cause forfeiture of license and to render liable to penalties of laws regarding intoxicating of Indians.

A right of appeal lay from a Petty Court to the next ensuing General Court against forfeiture or penalties, the appellant to deposit 20 shillings for entering the appeal and to give security for penalties imposed.

The suspension of license by the Petty Court remained valid, pending the hearing of the appeal.

Except in the case of a person making wine or beer for his own family use and not for barter or sale, an unlicensed person was, on conviction before a Petty Court, liable to a fine of from 5 to 10 Pounds for each offence; failing payment, he was liable to imprisonment of from 5 to 10 weeks, or till the fine was paid. He had, however, the right of appeal.

Applications for license were to be made not later than November 15th of each year.

On the first Sunday after November 15th the President must give public written notice, at all places of public worship in his district, and also in any other district in which any of the nearest neighbours resided, mentioning the names of the persons applying for licenses and specifying their premises, together with the day appointed for disposing of the applications.

Where the granting of the license was objected to by a majority of the householders\* of the neighbourhood† of the house where the license was intended to be used the Bench had no power to grant the license. The objectors were entitled before the day fixed for disposing of the applications to intimate their objection, either personally or in writing, to the President of the Bench, with-

---

\*Householder meant "the head of a family occupying a separate house, or, if occupying only part of a house, a tenant for not less than a year, and not being the hired servant of any applicant for a license."

†Neighbourhood meant "the twelve householders, who irrespective of district, are nearest to the house intended to be licensed."

out, however, being bound to assign any reason for their objection.

The Bench had discretionary power to refuse a license.

An informant against liquor license violations received one-half the fines actually recovered.

No liquor license was granted to any person carrying on the manufacture or sale of wine, spirits or beer, on any part of the "Indian Reserve" at the Indian settlement.

Wholesale dealers in spirits, wine or beer, or dealers in quantities of not less than five gallons of spirits or wine, or eight gallons of beer, were issued licenses under practically the same conditions except that the penalty was fixed at ten pounds for each offence.

In the summer of 1870 the Company's territory passed under the jurisdiction, and became an integral part, of the Dominion of Canada. It was now precisely two centuries since the granting of the Royal Charter by Charles II. During two-thirds of that period the West had been merely a sphere for the fur trade, and a theatre for the adventures of explorers. But after 1812 definite attempts at settlement had been carried on. The influence of the Fur Company had, of course, persisted even after that date. Its fate had, however, been sealed with the coming of the first farmer. For a time, indeed, its power increased, but the investigations of the Select Committee of 1857 shook its prestige, and at the transfer it sank into the position of a mere trading company.

We have already traced the story of the use and regulation of liquor during the period of fur trade and exploration. There were, perhaps, few years in all that period when there was not liquor west of Hudson Bay. Both the English and Canadian Fur Companies claimed that they endeavoured to restrain the sale and use of intoxicants among the Indians. Neither denied that they gave liquor to the Indians. The absence of any serious general outbreak would indicate that over the greater part of the period fire-water was not used lavishly for barter. The North-West Company even made claim that in two years it had reduced the quantity it introduced into the North-West from 50,000 to 10,000 gallons. But, with the opening of the nineteenth century, the competition between the rival fur companies grew so keen that they felt constrained to introduce liquor into their trading operations. The result was disastrous. After Selkirk's death the companies were driven to protect the trade by their own amalgamation, and to protect the Indians by abolishing the barter of liquor for furs.

From 1821 the influence of the united Company was thrown steadily on the side of decreasing the use of liquor among the Indians. Sir George Simpson worked incessantly to diminish this evil, and with manifest signs of success. But, though in more remote places the barter of liquor for furs was greatly restricted, or even abolished, the Company evidently felt that where American competition menaced their trade, it was necessary to fight fire-water with fire-water. Along the American boundary, in the Red River Settlement, and in the country south of the South Saskatchewan River, liquor was used in barter

for furs, although the Company itself deplored this necessity and sought to curtail the traffic.

In the meantime, in the District of Assiniboia, a settlement had grown up. There, at the forks of the Red River, another series of experiments in liquor control was carried on. In this period the District itself passed from the control of Selkirk, first to his estate, then back to the Company. There was representative government, an increasing amount of it, but no responsible government. In the first days of the colony indulgence in liquor on the part of the authorities themselves seriously handicapped the development of the Settlement, but the coming of George Simpson changed this. In the middle Thirties the passing of the District back from the Selkirk estate to the Company meant an appreciable tightening up of restrictions, particularly in relation to the Indians. During the third of a century from this time to the transfer the problems that were attacked, and the experiments that were tried, included the following: The prohibition of the sale and traffic of liquor with the Indians; the sharing of fines with informers; the levying of excise duties; the building of a public distillery; the checking of private distillation; the free export of spirits; the granting of licenses for the half-year and for the year; special privileges for clergymen, apothecaries, doctors and the Company; total prohibition of imports; the temporary import of liquor from the United States; differential duties; the protection of soldiers from intoxicating liquors, smuggling, adulterated liquors. In this period the chief influences operating to check the consumption of liquor were the direct influence of Sir George Simpson and the clergy, the Company itself, and the presentation of petitions from the inhabitants.

## CHAPTER V.

### THE CONSTITUTIONAL DEVELOPMENT OF THE PRAIRIES AFTER THE TRANSFER TO THE DOMINION OF CANADA.

The series of Dominion Acts relating to the West begins with "An Act for the temporary government of Rupert's Land and the Northwestern Territory when united with Canada," June 22nd, 1869. This Act sought to prepare for the transfer of the Territories from the local authorities to the Government of Canada. A year later the Manitoba Act (33 Vict. C. 3) launched upon its independent constitutional career the old District of Assiniboia, now in possession of complete self-government, and now subject to the working of Sections 91 and 92 of the British North America Act which distribute legislative power between the Dominion Parliament and the Provincial Legislatures. The Lieutenant-Governor in the first days of the Province of Manitoba naturally occupied a very important position in the administration of affairs. For a short time there was a temporary Government with two ministers and the Legislative Assembly. After this, government was carried on with the Legislative Assembly and a Legislative Council, but without a Premier. At the end of six years the Legislative Council was abolished. Without a Legislative Council, but with a Premier and a Legislative Assembly, the Province of Manitoba assumed the constitutional form which has endured to the present day.

The Territories were not at first given a separate Government. They were administered from Fort

Garry by the Lieutenant-Governor of Manitoba with the aid, first of a small executive council of three, irregularly appointed, the Hon. Mr. Justice Johnson, the Hon. D. A. Smith and the Hon. Pascal Breland, and then with the aid of a more formal and more regularly appointed but still admittedly provisional Northwest Council. This Council addressed itself to the task of laying the foundations of Territorial administration. It did much, also, to secure the goodwill of the Indian tribes.

The charter of the separate existence of the Territories is the Northwest Territories Act, 1875. It was under this Act that Hon. David Laird was appointed Lieutenant-Governor. He held a legislative session under the Act of 1875 at Livingstone, Swan River, in 1877. Battleford was the capital for three sessions of the Council. The construction of the Canadian Pacific Railway transferred the seat of government to the line of railway, designated at first Leopold, and then Regina. Settlement ceased to follow the course of the rivers. Trade routes for freighters now began to run north and south from the railway. The old "North-west" passed away.

At the same time a profound change was being effected in the constitutional character of the Territories. While the capital was still at Battleford, in 1881, Chief Factor Lawrence Clarke was elected to represent the district of Lorne. This constituted the first opportunity given the settlers themselves to express their sentiments in the administration of affairs. Three years later the elected representatives of the people became numerous enough to exert an influence upon legislation. The years that ensued were wonderfully formative. In 1884 the Northwest Council laid

the foundations of the Territorial school and municipal systems. The crushing of the half-breed uprising in 1885 assured the dominance of the white settlers and permanently banished the spectre of Indian disorders. A year later was established a Territorial judiciary. Then followed a parliamentary struggle for the control of the purse. In quick succession came the Advisory Council, the Executive Committee, the Executive Council. In this contest between representatives of the settlers and the Dominion officials victory lay with the people and with the cause of popular government. It was not, however, till 1897, on the eve of a remarkable growth in population and economic development, that the Government of the Territories, which for half a decade had been giving expression to the people's will, was made completely responsible in form as it had already been in fact.

The increased volume of immigration necessitated heavier expenditures upon education, public works and local administration. It was impossible to introduce municipal organizations into many districts outside the limits of the denser settlements. The result was to impose upon the Territorial Government excessive burdens. Financial embarrassments gave rise to constitutional aspirations. Finally, after a prolonged agitation, the Saskatchewan and Alberta Acts provided for the erection on September 1st, 1905, of two provinces, Saskatchewan and Alberta.

Henceforth there were three self-governing Provinces on the Prairies within the area of the vast territory that had been ruled over by Sir George Simpson.\*

---

\*See Article by present writer in The Canada Year Book, 1915.



## CHAPTER VI.

### THE REGULATION OF LIQUOR IN MANITOBA FROM THE ERECTION OF THE PROVINCE TO THE PRESENT.

In 1870 the new Province of Manitoba inherited from the Red River Settlement a license system for the control of the liquor traffic. It received from the Dominion of Canada, in accordance with the Manitoba Act, the same right to regulate the sale of liquor and to issue licenses therefor as was enjoyed by the other Provinces of the Confederation. There were on the Prairies, side by side, two systems of control. In the North-West Territories, peopled almost entirely as yet by Indians, there was a strict prohibitory law, which was destined to be supplemented, on the arrival of the white settlers, by a system of permits granted at the discretion of the Lieutenant-Governor. In the Province of Manitoba, where there was already an extensive white population, both English and French-speaking, in addition to the Indians and half-breeds, there was a license control of the traffic.

The first session of the Manitoba Legislature met on March 15th, 1871, in the large residence belonging to Mr. A. G. B. Bannatyne. It concluded its deliberations on May 3rd of the same year. Forty-three measures in all received the assent of the Lieutenant-Governor. Among these No. 39 was an Act to incorporate the Manitoba Brewery Company, and No. 40 was an Act respecting the Issuing of Licenses and for other purposes. These were the first steps taken by

the new Province to bring the liquor traffic under control.

"The Winnipeg of that day," writes Colonel Steele, "was situated about half a mile north of Fort Garry and consisted of about forty houses of every shape and size lining the Stone Fort trail for about half a mile. That old road is now the beautiful Main Street of the city of Winnipeg. The first house from the fort was that of the Rev. Dr. Young, the truly Christian pastor of the little Methodist church. There was one fairly good hotel kept by a Mr. Davis, who was, later on, Premier of the new Province of Manitoba. Nine stores, three chemist shops, one saddlery, one hardware store, and, of course, several saloons with such names as 'Hell's Gates,' 'The Red Saloon,' etc., were situated in the village."

The "Manitoban" of September 2nd, 1871, reviewing a year's history of the new Province said,—“A rigid licensing system is in full operation.” In the same issue that paper compiled a statement of the imports of spirituous liquors into Manitoba for the seven months ending July, 1871,—a total of 29,606 gallons with a value of \$25,605.99, and paying duty to the extent of \$7,425.69. The statement does not give a precise idea of the total amount of intoxicating beverages, for beer and whiskey were made in the Province itself in considerable quantities. The statement in detail was,—

**Wine:**—From the United States 610¾ gallons, value \$1,733.38; in bond from Ontario 1,846 gallons, value \$1,779.68; from Great Britain 653 gallons, value \$1,530.57; in bond from Quebec 1,370 gallons, value \$2,537.77. Total imports 4,479 gallons, value \$7,581.40. matter of the postponement of the operation of the

**Alcohol:**—From the United States 399 gallons, value \$625.50; from Ontario 1,765 gallons, value \$1,-383.75. Total 2,164 gallons, value \$2,009.25.

**Whiskey:**—From the United States 3 gallons, value \$6.75; from Ontario, 5,899 gallons, value \$3,414.96; from Great Britain 245 gallons, value \$248.55; from Quebec 1,072 gallons, value \$620.44. Total 7,219 gallons, value \$4,290.70.

**Gin:**—In bond from Ontario 623 gallons, value \$630.76; from the United States 281 gallons, value \$332.50; from Quebec 424 gallons, value \$291.10; from Great Britain 505 gallons, value \$451.62. Total 1,833 gallons, value, \$1,705.92.

**Rum:**—From Ontario 1,504 gallons, value \$25,-513.42; from Great Britain 2,299 gallons, value \$1,-667.09; from Quebec 1,708 gallons, value \$2,081.53; from the United States 1,939 gallons, value \$2,622.99. Total 7,450 gallons, value \$31,485.03.

**Brandy:**—From Ontario 1,143 gallons, value \$1,-838.85; from Great Britain 1,342 gallons, value \$1,-998.66; from Quebec 2,224 gallons, value \$3,041.66; from the United States 1,484 gallons, value \$2,513.17. Total 6,193 gallons, value \$9,392.34.

**Ale, beer and porter:**—From Great Britain 153 gallons, value \$116.15; from Ontario 115 gallons, value \$125.20. Total 268 gallons, value \$241.35.

**Cider:**—From Great Britain 9 gallons, value \$8.28.

**Cordials:**—From Quebec 104 gallons, value \$184.-75; from the United States 8 gallons, value \$26.75. Total 112 gallons, value \$211.50.

In 1873 spirituous liquors formed an exception in the demands of the "Better Terms" party in the

tariff. It was felt that the subsidy granted the Province by the Dominion was not adequate to meet the most urgent needs of government. The Legislature sent a delegation of four members to Ottawa to present their request for better terms. Demand No. 4 was couched in the following language:—

**“To postpone the Canadian Tariff, except on spirituous liquors, until railroad communication with Lake Superior, through Canadian territory, is established.”**

In 1875 the temperance organizations in Winnipeg took steps to bring about the abolition of saloons. Petitions to the City Council to license no more saloons were circulated and numerous signed. Under the provisions of the charter of Winnipeg the Council had full power in the matter of licenses. It was quite competent for it to issue licenses under such regulations as to abolish all saloons. This course the Manitoba Free Press again and again urged the Council to pursue. The extermination of saloon licenses was the subject of more than one editorial:

July 3rd, 1875: “We are sure that the majority of the people are opposed to saloons. This being the case the saloon may soon be an institution of the past in Winnipeg. . . . Outside the City of Winnipeg no saloon license can be issued within the Province. When the License Law was being amended at the last session of the Legislature, a desire was expressed by some members to have this exception abolished; but the House refused the suggestion upon the ground that the City Council had the power of dealing with the matter.”

September 4th, 1875: "We believe to-day, outside the city of Winnipeg, the Province of Manitoba is ripe for a prohibitory law. Even in this city we believe a majority of the rate-payers would be willing to force the capital and time devoted to the liquor traffic into other channels."

We have seen the special provision made for Winnipeg in the matter of licenses. The License Act of 1873 had further restricted the rights of the Provincial Executive in the granting or withholding of licenses. That Act had provided for the appointment of License Commissioners whose duty it was to ascertain that all the conditions imposed by law had been complied with by the applicant before granting the license. The Commissioners were made independent of the Government.

The problems that confronted the Province of Manitoba were substantially the same as those that the Council of Assiniboia had dealt with in the Red River Settlement. The License Law of the Province felt, however, the influence of the new association of the Province with the rest of the Dominion of Canada. The License Law of Manitoba came to be little more than that of Ontario, simplified and adapted to more pioneer conditions. Under the force of the example of the same Province organizations were formed to promote a more vigorous temperance sentiment. Thus in 1880 a Temperance Society was established under the auspices of the Church of England, and the Manitoba branch of the Dominion Temperance Alliance was formed with Mr. J. W. Sifton as President. These societies with others of the same type struggled for

many years to form public opinion in favour of advanced temperance legislation.

With the Eighties new questions arose with the opening of the West and the approach of the railway. In March, 1881, a Dominion Act extended the boundaries of Manitoba, and in the following May the Provincial Legislature passed a measure to provide for the government of the territory thereby added. Now many settlers in the West had made their homes there in order to escape the disadvantages which they considered were to be found in Manitoba under the license system. They preferred to rear their families in a country where the liquor traffic was prohibited by Federal legislation. This advantage was altogether lost if with the mere extension of the boundaries of Manitoba they now came under the license system. The Bill passed by the Provincial Legislature reserved to the Lieutenant-Governor in Council the power to proclaim only such laws in force in the new territory as might be deemed wise.

In the early Eighties the chief centre of interest in the struggle to control the liquor traffic lay east of Winnipeg. There were two main causes. One was the construction of the railroad which was now rapidly proceeding from the head of Lake Superior. The other was the dispute over the boundary between Manitoba and Ontario and the consequent clash in jurisdiction. The presence of large numbers of men on the right-of-way gave scope to whiskey dealers to operate on an enormous scale, and the presence of competing authorities made the regulation of their traffic difficult. Alexander Begg has described the liquor traffic for us:

"Despite the severe measures which had been adopted for the suppression of the liquor traffic along the railway line, and the heavy fines and penalties which followed conviction, the whole region was literally flooded with liquor. It was estimated that at least 800 gallons per month was disposed of on the section between White Mouth River and Lake Wabigon during the winter and spring of 1881. The liquor was taken from Winnipeg, concealed in oatmeal, beans, and coal oil barrels, to some convenient point, from which it was distributed by dog train in winter, and by canoe in summer, all along the line. It was sold at \$3.00 a bottle or \$15.00 a gallon, sometimes at still higher rates, and when it is considered that over 2,000 men were employed on the section named, nearly every one of whom spent much of his hard earnings in drink, it will be seen that the risks taken by whiskey vendors were overshadowed by the immense profits accruing from their business."

To some extent the operation of the Public Works Act, which prohibited the sale of liquor near public works, tended to abate the traffic. But the Dominion Government withdrew the operation of this Act. The disorders due to the liquor traffic soon became intolerable. The Province of Manitoba felt called upon to act. On August 15th, 1881, the Lieutenant-Governor of Manitoba issued a proclamation extending the laws of the Province to the disputed territory. The requisite judicial machinery was set up. The Government of Manitoba also extended the License Law to the territory, and granted several hotel and wholesale

licenses at Rat Portage. A clash with Ontario was inevitable. The magistrates of that Province refused to recognize these licenses on the ground that Manitoba did not possess the jurisdiction to regulate the liquor traffic in that territory. This led to reprisals. Manitoba resolved to enforce her liquor laws against the holders of licenses granted by Ontario. The result was disastrous to law enforcement. The police officials of each Province began to arrest the officials of the other, mutual assaults became common, and there was a general swearing out of warrants. In the midst of this travesty of British justice the whiskey peddlars enjoyed almost complete immunity. Again we turn to Alexander Begg:

"The newspaper reports of these teapot tempests are highly entertaining. The Conservative papers described the Ontario officials and their following as 'rowdies,' 'toughs,' etc., and declared that 'every rough in Rat Portage was with the Grits in hopes of free whiskey and pay as specials,'—and the soubriquets of some of the 'specials' would certainly warrant such a contention, as we find among them such distinguished characters as 'Black Jim Reddy of Montana,' 'Charley Bull-Pup,' 'Boston O'Brien, the Slugger,' 'Patsy Roach,' and 'Al Mulligan, the Bad Man.' The Liberal journals represented every act of the Ontario authorities as being backed up by the efforts of 'the respectable citizens' and characterized their opponents as 'Tory miscreants' and the posse comitatus as a 'lawless gang.' The position of affairs was aptly described by a correspondent who stated that on 27th July, 'Dominion Com-



missioner McCabe with two policemen, Ontario Magistrate Burdon with twenty-five policemen, and Stipendiary Magistrate Brereton with fifteen policemen, acting on behalf of Manitoba, have been arresting each other all day, and the people have been siding, some with one party and some with another, to the imminent danger of the peace and of loss of life.' On the following day the Manitoba jail was set on fire, it was stated, by 'Mowat's lambs.' "

Finally the Attorney-Generals, of Ontario and of Manitoba, met in Toronto and arrived at a basis of settlement by which neither abandoned any claims. Each Province was to appoint a Police Commissioner. These two Commissioners were given power to appoint and control the police force, to issue licenses, to fix the fees, to appoint an Inspector of Licenses and to report to both Governments quarterly. They agreed also to submit a joint case to the Judicial Committee of the Privy Council. There was henceforth an end to this unseemly dispute.

Both the Norquay and Greenway Administrations sought to grapple with the liquor problem. The former by the Act of 1886 placed the machinery for carrying out the Act in the hands of a single Commissioner. The Greenway Administration came into power on January 13th, 1888. It passed legislation dealing with liquor control in 1889. It abolished the Conservative system of the single license Commissioner and established a system of license districts with three Commissioners, who were unpaid and who operated under the Provincial Treasurer. In this way the Government

assumed control of the licenses. At the same time it introduced an interdiction provision into the Liquor Act. Under the Act of 1886 a wholesale licensee was not allowed to sell in each cask or vessel less than one gallon. The Greenway Act of 1889 reduced this to half a gallon. The wholesale druggist was given the opportunity of becoming a wholesale liquor dealer for he could sell ten gallons of alcohol to any person. The Norquay Act of 1886 required the holder of a wholesale license in a city to deposit \$500, or in a town or rural municipality \$250, to be forfeited and form part of the consolidated revenue fund, should the licensee be convicted under the Act. This clause did not appear in the Greenway Act. The Local Option by-laws were much the same in detail except that under the Norquay Act a by-law could be submitted on the Council receiving a petition from 25% of the "householders." In the Greenway Act the phrase "resident electors" was substituted for "householders." The hours for closing the bars were also changed from 10.00 p.m. to 8.30 p.m. on Saturdays, and from 11.30 p.m. to 11.00 p.m. on other week days. In the following year, 1890, the community itself was given a power of local veto through the provision that 8 out of the nearest 20 neighbours could by signing a petition prevent the issue of a license after the first year. In 1891 the number of licenses in the Province was cut down, and the power to issue summer-hotel licenses was done away with.

In the Nineties began that agitation for prohibition that was to continue with varying vicissitudes for a full quarter of a century. In 1892 the Government submitted the question to a plebiscite. Manitoba was, in fact, the first Province in the Dominion to take

this step. The result yielded by the vote on July 23rd of that year was, in an electoral list of 46,669, as follows:—

In favour of Prohibition .....	18,637
Against Prohibition .....	7,115

In Winnipeg there was a total majority for Prohibition of 1,473. The object sought was to have the Provincial Assembly pass a law doing away with the manufacture and sale of intoxicating liquor as a beverage. The Manitoba Free Press stated:

July 25th, 1892: "There is not unanimity of opinion as to just what power the Legislature possesses to deal with this question, but it will doubtless feel bound to do everything in its power to carry out the wishes of the people as they have been thus strongly expressed."

August 31st, 1892: "We have had in Manitoba what no other Province has ever had, a plebiscite. . . . 'What shall we do next?' is the great question upon which light is needed in Manitoba. What use is to be made of the overwhelming majority vote in favour of Prohibition now that it is on record. . . . Plainly the expedient of a plebiscite has been only a convenient postponement until after the elections of a campaign which is destined to come. What the result would have been if the Government had been forced to take a stand on the Prohibition question on one side or the other before the elections and to speak on that issue on all the platforms throughout the constituencies, it is impossible

to say; but the astounding feature of the whole matter is that so many electors did not see how the effect was going to be that of a most acceptable evasion by which the Government would escape the real difficulty."

Rev. Dr. Sutherland of the Methodist Church was not sure of the Government's sincerity and hinted at the necessity of a Prohibition party. He was quoted in the Free Press of July 28th, 1892, as saying:

"If the Government were sincere in sending the question to the people the next step should be to submit a Prohibition Bill in the House as part of the Government programme. If appropriate legislation does not follow the plebiscite it will prove that the Greenway Government were not in earnest and only submitted the question as a means of catching the temperance vote. Should action be ignored or postponed, however, it will convince the temperance people, if anything will, that a straight Prohibition party is the only solution of the liquor question."

The Legislature passed a memorial "asking the Dominion Parliament to adopt concurrent legislation." The prospect of sympathetic co-operation in that direction was better than it had ever been. A Prohibition Law Commission to investigate the liquor traffic consisting of Sir Joseph Hickson, Judge Macdonald, E. F. Clarke, M.P.P., George Gigault and Rev. Dr. McLeod had been appointed as a result of a debate in the House of Commons in 1891 when a prohibitory law was introduced by Mr. Johnson of Lanark. In October, 1892,

Judge Macdonald and Rev. Dr. McLeod held sittings in Winnipeg. But even with this Commission there was no hope of immediate action. Accordingly the Greenway Government submitted the question of the powers of the Province to enact prohibitory legislation to the Privy Council. A decision was rendered that was characterized by Premier Greenway as "somewhat mystifying." The upshot was that nothing was achieved.

When the Royal Commission sat at Winnipeg Lieutenant-Colonel Adam John Lang, Police Magistrate for the Province and for Winnipeg, declared that the cases of drunkenness averaged about two a day. He thought that fewer restaurant licenses would be an advantage. He would confine the sale of liquor to hotels. He believed that there was a greater amount of drinking during the boom than at any other time. H. A. Costigan stated that there were seven breweries in the Province,—three in Winnipeg, two in Portage la Prairie, one in Brandon, and one in Minnedosa, and no distilleries. As to illicit distillation there had been occasional trouble in a small way. More recently liquor had been distilled from potatoes. There was very little smuggling into Manitoba. During the fiscal year ending June 30th, 1892, there had been taken out of bond 125,947 gallons of proof spirits, 447,709 gallons of beer had been brewed and 1,464,984 gallons of malt had been used. Richard La Touche Tupper, who had been chief license inspector under the Liquor Act of which he was the author, had, while in office, reduced the number of licenses from 84 to 52, done away with music in saloons, with dice-throwing and all attractions, and with the sale in groceries. When asked by the Commissioners in regard to the intemperate use of

liquor, "What is enough?" he answered that a hotel-keeper ought to be able to judge when a man could not pronounce his "r" properly; the man himself, after reaching a certain point, was not able to judge. Edward P. Leacock, an agent of the C.P.R., who had prepared the License Act of 1886, found that it was not enforced. He declared: "This was due to a want of pluck and to laxity of moral courage. From the Attorney-General downwards they had not had the moral courage to enforce the Act."

Until the Dominion plebiscite of 1898 there was no outstanding development in the history of liquor control beyond the steady growth of temperance sentiment and the persistent, even if slow-paced, advance in restrictions on licenses. In 1893 a stringent provision looking towards the cancellation of licenses in the event of their abuse was for the first time introduced. It was enacted that the first conviction of a licensee should operate to forfeit the license at the option of the landlord. But in the case of a second conviction the forfeiture was to become absolute, and no new license was to issue to that person or for that house for a period of two years. In 1894 persons found in bar-rooms during prohibited hours were made subject to fines. In 1895 the conditions for the transfer of licenses outside of Winnipeg, Brandon and Portage la Prairie were made the same as for granting the original license,—it was made necessary to secure the signed concurrence of 16 out of the nearest 20 neighbours. In the following year a provision was made to prevent an attempt on the part of the liquor interests to corrupt any who had signed a petition against the issuance of a license. Those who had so signed were denied the privilege of later withdrawing

their objections. In 1897 the privilege of protesting against the granting of a license was given to a wife whose husband might be absent from home for a period of more than 30 days. At the same time the hour for closing country bars was fixed at 10.00 p.m. instead of, as formerly, 11.00 p.m., and the number of licenses that might be issued was reduced as follows,—in rural sections one for the first 300 of the population, and one additional for each 600, instead of, as formerly, one for the first 300 and one additional for each 400; in urban centres three for the first 1,000 and one for each additional 600, instead of, as formerly, four for the first 1,000 and one for each additional 400. In 1898 the use of screens and obstructions to the view of bar-rooms during prohibited hours was made unlawful, and, police officers and license inspectors were given the right to enter into and to search all premises in which liquor was sold. In February of this year in a speech that augured ill for the future of the temperance cause Mr. R. P. Roblin, of the Conservative Opposition in the Legislature, who was destined before many months to become Premier of the Province, objected to the advanced character of the temperance legislation of the Greenway Government,—

“The present legislation is so far ahead of public sentiment that the general public will not undertake to see to the punishment of infractions of the regulations, and the men who do the work of informing on behalf of the temperance associations are the lowest and most contemptible characters to be found in the community. . . . No retrogressive legislation should be enacted. Authorities are all agreed that sumptuary laws of the past

have signally failed in accomplishing their ends, and the only way in which temperance principles can be successfully inculcated is by moral suasion. . . . It has been suggested that the license-fees should be raised and that the hours during which liquor might be sold should be lessened. This is an unfair proposition."

In 1898 the Dominion plebiscite was taken on the matter of Prohibition. The majority given by the Province of Manitoba was substantial,—

For Prohibition .....	12,419
Against Prohibition .....	2,978
	<hr/>
	9,441

So favorable a vote spurred the temperance forces on to fresh efforts. Delegations once more urged the Premier to immediate action. They secured from the Government a pledge to obtain if possible "full power to legislate," and, failing this, to "pass a prohibitive measure within the powers of the Province." In 1899 an Act was passed to amend the liquor legislation so as to permit two licenses for the first 500 of the population, and one for each 600 additional. But the days of the Greenway Government were numbered. It was defeated at the polls on December 7th, 1899. During twelve years of power, 1887-1899, it had, in spite of the fact that the population had increased four-fold, succeeded in reducing the number of licenses from 218 to 167. In the last complete year of the Greenway regime, in 1898, the number of interdictions was 337.

The Conservatives had been astute enough to take advantage of the rising tide of temperance sentiment.



In opposition to the more dilatory methods of the Liberals they had promised to act at once. In July, 1899, their Provincial Convention assembled in Winnipeg, adopted their famous "Plank No. 19,"—

"That a measure be adopted to give effect to the will of the people regarding Prohibition of the Liquor Traffic, which measure should go as far in the direction of Prohibition as the powers of the Province will allow."

The new Premier, Hon. Hugh John Macdonald, who assumed office in January, 1900, at once took steps to implement his promises. An elaborate Liquor Act was passed to come into operation by proclamation on June 1st, 1901. This provided for Prohibition within the Province. In moving the first reading of the Liquor Act on June 11th, 1900, the Premier stated:

"On two occasions the people were asked to give their opinion as to the course that ought to be pursued, first by the Province, and afterwards by the Dominion Government. They declared in favour of Prohibition,—that is a fact about which there can be no possible dispute. Some few months ago representatives of the Conservative party met in convention in Winnipeg to frame a platform on which that party was to go before the electors and ask their support in the election that terminated so happily on the 7th of December last. That Convention saw fit to place in the platform a plank in favour of Prohibition, that, if successful, we would at once enact a prohibitory law, going as far as the powers of the Province would allow, and having done that,

we would apply to the Parliament of Canada for power to enact absolute Prohibition, which we cannot at present do. The moment that plank went into the platform, and we as a party went before the country asking for support on that plank, coupled with others, my course was clear, to carry out honestly the pledge made to the people. Nothing can more lower a public man and a party than to have it supposed by the people that specific definite pledges are like pie-crust, made to be broken.

. . . No other course was open but to carry out the pledge made when we asked for the suffrages of the people. If we broke our pledge we should be as guilty of a criminal act as the man who robbed another's house, for we should have robbed the people of their votes. When the electors saw fit to return the Conservative party to power no course was open but to carry out the plank in reference to Prohibition, and obey the mandate of the people. A Bill has been prepared, which, going as far as possible, will at the same time keep within the powers of the Province and not run the danger of being set aside. The task required ability and judgment. As Attorney-General I have considered the Bill, clause by clause, with Mr. Aikins, and I now come before the House asking that it be made law."

In concluding, the Premier said he submitted the Bill to the House with the honest desire to see the best law possible put into force. The measure was supported by Government journals and followers. Mr.

Colin H. Campbell was in favour of the Liquor Act because he was "conscientiously convinced that it was perfectly valid, and that it would effectively suppress the liquor traffic." Mr. Greenwood, the mover of Plank No. 19, looked forward to June 1st, 1901, as the dawn of the Prohibition era in Manitoba. Mr. James Johnson of Turtle Mountain declared that the people were ready and waiting for this great boon. The Winnipeg Telegram stated:

"If the Bill does not prohibit it will not be owing to any lack of stringency in its provisions. It is Draconian in its severity; and certainly goes as far as the Province has power to go, if, indeed, it does not in some respects exceed that limit. It is the Prohibitionists' own Act; and they have made it as iron-clad as possible, and have taken every precaution to make provision for its due enforcement. If it fails to effectually prohibit, they will have no one to blame but themselves. In submitting it to the Legislature, the Government is complying with what must be constitutionally regarded as the mandate of the people."

The Telegram discussed the Act again and again. There was no mention of a referendum, although on June 14th, 1900, it asked whether "eleven months is sufficient time for those who have capital invested in that business to realize upon their investment and divert it into other channels." But the Telegram did not anticipate that a subterfuge would be resorted to with a view to rendering the whole legislation nugatory. It regarded the Liquor Act as a distinct

step in a definite policy that led to a perfectly understood result, and that result was the prohibition of the sale of liquor. On June 19th, 1900, it stated its understanding of what had been done,—

“The Conservative party promised to grant Prohibition as far as the powers of the Province extended. The Macdonald Government has done so, and can do no more. It has at least abolished the saloon, the retail liquor store, and the wholesale sale of liquor within the boundaries of the Province. With this reform the Prohibitionists are naturally delighted. They know that if they want the manufacture and importation of liquor stopped they must look to the Federal, and not the Provincial, Government.”

As we have seen the Liquor Act was to come into force on June 1st, 1901. In due course a test case was submitted to the Court of King's Bench by the Attorney-General and the Manitoba License-Holders' Association in which the question of its constitutional validity was threshed out. The Court held that the Legislature had exceeded its power in enacting the Liquor Act as a whole. In order to allow time for the measure to be carried before the Imperial Privy Council an amending statute was passed at the 1901 session of the Legislature bringing the Act into force only on proclamation by the Lieutenant-Governor-in-Council. This made the operation of the Act subject to the wish of the Provincial Government. The Privy Council's decision was given on November 22nd, 1901. It reversed the decision of the Manitoba Court and found the Act to be wholly within the powers of the Legis-

lature. Nothing remained except for the Government to proclaim the Act.

When victory seemed to have been achieved by the temperance forces they found it rudely dashed from their hands by a new power in Manitoba politics. MacDonald had in the meantime resigned to re-enter Federal politics. He was succeeded in the Premiership by Hon. R. P. Roblin, whose influence was to dominate the Province and to check aggressive temperance legislation for a decade and a half. Roblin questioned the state of public opinion upon the measure. He informed the Toronto World on November 29th, 1901, that he was not bothering about the matter of Prohibition, that no one was taking any interest in the question, and that the measure was not the Act of the Roblin Government. He further stated that the question of a referendum had not been thought of. On December 5th, 1901, he told the Montreal Witness:

"The Government must, of course, recognize the decision, and make arrangements for bringing it into force."

The first indication of the attitude of the Roblin Government was given by Mr. Roblin in an interview in the Winnipeg Telegram of January 6th, 1902. The Government, he intimated, would do nothing. It would wait to see what the Ross Government would do in Ontario. The Premier declared that he did not find a "strong popular majority . . . having convictions so decided in its favour, so unyielding that they will bear down all opposition to its enforcement." On all sides the complaint arose that the Government had not been sincere in its legislation of 1900, that it never expected the Courts to declare the Act to be good law.

All the pre-election pledges, Roblin's speech at Carman calling upon the wives and mothers of Manitoba "to thank Heaven—yes, devoutly thank Heaven—that there was now in power in this Province a Government which had given proof of the sincerity of its Prohibition pledge to the electors by passing the Liquor Act," and the election addresses of the Hon. Colin H. Campbell in the constituency of Morris,—all these counted for nothing. On January 12th, 1902, the Hon. Robert Rogers announced to the Conservatives of Winnipeg that a referendum must be held before the Liquor Act could be put into force. Thus was made known what came to be derisively called the Roblin-Rogers "Riffyrandum."

There is little doubt that this policy of a referendum demoralized the temperance party. It was simply an election dodge in their eyes. As a result their councils were divided. The Alliance for the Suppression of the Liquor Traffic recommended "to the temperance people of this Province that they ignore this referendum and abstain from polling their votes." The Vice-President resigned in protest. Public opinion was divided. Several organizations and a public meeting on March 2nd supported the Alliance. A. J. Andrews, subjected the Government to the most severe criticism and called upon Conservative members of the Legislature favourable to temperance to vote against it. The Premier was busy writing letters. To W. R. Mulock he denounced the Hugh John Macdonald bill as "no Prohibition bill whatever." To Rev. Mr. Holling he wrote:

"The Government and the Conservative party are willing to go farther in the cause of

temperance, true temperance, than any Government that has ever been in the Province before, but those supporting the Government are not in favour of free whiskey as provided under the Liquor Act without the people themselves so declaring it."

The Winnipeg Board of Trade believed that the Act would "fail in its purpose and result in injury instead of good." On the other hand public meetings urged active canvassing in favour of the measure, and that at a time when the Prohibition Campaign League was recommending the "cessation of all further organized effort." Strong, aggressive and wise leadership was lacking to unite the friends of the temperance movement. In introducing the Act providing for the referendum on February 19th, 1902, the Attorney-General made the astounding statement that "the question of Prohibition was not mentioned on the platform at the last election so far as I heard or as I was told." The result of the poll on April 2nd was as follows:—

Against the Act .....	22,464
For the Act .....	15,607
<hr/>	
Total vote .....	38,071
Majority against .....	6,857

Angry recriminations followed. On April 23rd the Dominion Alliance by resolution declared that,—

"In the whole history of this Province no other election, municipal, provincial or federal, was ever characterized by such bribery, personation, perjury and fraud as the election on the referendum."

This resolution had reference to the alleged stuffing of ballot boxes, to the charge that the Attorney-General had deliberately delayed the issuing of the letter of instructions requiring that voters should vote in their proper polling districts, so that it was received by returning officers too late to be acted on, and as a consequence, it was maintained that hundreds, if not thousands, of illegal votes were recorded, and to the failure of the Attorney-General to make his decision that married women then on the lists had the right to vote in local option fights. Before passing from the referendum it is interesting to note that the Hon. Hugh John Macdonald during the discussions prior to the referendum issued a statement that served as a rebuke of the course pursued by the Roblin Government,—

“Mr. Hugh John Macdonald was asked by a Tribune reporter if it was his intention originally to submit the Liquor Act to the people when it was first introduced. In reply he said that there were some of his supporters who were in favour of such a course, but he strenuously opposed it and succeeded in preventing any discussion along that line. It was his intention to have brought the Act into force as soon as it had been declared valid by the Courts, without any resubmission to the people. Had any other course been taken by the party it would not have been under his leadership, and he so gave his supporters to understand.”

In introducing the Referendum Bill in the Legislature on February 19th, 1902, the Attorney-General said;—



"Supposing the Act is defeated, then the position of the Government is this, that we should call in those who are interested in this temperance reform, and ask them what is the wisest course to pursue, the adoption of the North Carolina system, the Gothenberg system, or any of the various systems in vogue throughout the world."

This promise was never redeemed.

The adverse vote, the disunion in the temperance ranks, the exhibition of political partisanship, all weakened the cause. Prohibition had suffered a blow from which it was not to recover till near the end of the Roblin regime. It did not again become a dominant issue for almost a decade.

It seems at first difficult to explain why, after so great a lack of straightforward conduct in dealing with an issue that had been instrumental in securing the election of Hon. Hugh John Macdonald, the Roblin Government was able to carry the elections of 1903, and to meet the new House with 31 Conservatives as compared with the small group of 9 Liberals. The blame lay with the temperance workers. The cry arose, "The Liberals are just as bad." The game of politics was being played. In over a dozen constituencies temperance organizations selected candidates. When the Liberal conventions met in these constituencies, the Liberals accepted these temperance candidates, and all were defeated. The Roblin-Rogers group actually succeeded in diverting no small measure of the criticism, that was being levelled at the Government for its abandonment of Prohibition through the device of the referendum, to the Liberals on the

ground that the Opposition had not prevented the destruction of the Prohibition measure. A master hand was showing itself in the field of Manitoba politics.

1904 was a year of retrogression. Under the guise of abolishing the saloon, the hotel men were rewarded for political services by the grant of a practical monopoly for the sale of liquor. Restaurant licenses were done away with. Men were thus driven to patronize hotel bars where the treating system led them to take not one but several drinks. In the Act of 1904 a clause was inserted which enabled the liquor interests to defeat local option in districts where it had already carried. The expedient employed was to divide up a municipality, take out of it a town or village and have it incorporated separately. From this time forward each session saw its crop of proposals to divide up municipalities such as Dufferin. It simply meant that in cases where the people had carried Local Option the liquor interests were, under this ruse, given a chance for a second attempt to carry the district, even if on a more circumscribed scale. At the same time Section 8 of the Act of 1904 led to the practical setting aside of the provision that the Commissioners were bound to cancel a license after the first year on the protest of eight of the nearest residents. The amended wording afforded ample loopholes to circumvent the old regulation. It should be set down to the credit of the Act that provisions were made for granting only one license to one person in any town or village, for refusing wholesale licenses in rural municipalities, for insisting on a full view of the bar-room from the outside, and for forcing interdicted persons to tell from whom they secured their liquor.

In 1905 the question of licenses came prominently to the fore. Under the plea of promoting temperance the Government raised the fees for license. At the same time it increased the number of them. The net result was that the sale of liquor and the revenue of the Province from traffic in liquor were substantially augmented. A further amendment was the prohibition of the sale of liquor on licensed premises in any cellar or basement, which, on the face of the regulation, appeared as a step in advance. It was generally believed, however, that it was aimed at one single hotel, the Mariaggi, and that the purpose of the legislation was to inflict an injury on a political opponent. Great discretion was left to the chief license inspector. When a new management, more friendly to the Government, took over, there was no further molestation. A backward tendency was observable in clause 14 of the legislation of 1905. This permitted children of the age of 16 and 17 years, who were formerly prohibited from doing so, to sell and deliver liquor. The conduct of the License Commissioners in granting licenses against local sentiment became a source of great complaint. The standing committee of the Methodist Conference of Manitoba passed resolutions of censure. An interview with the Government was arranged by members of this Committee, but the Committee itself declined to wait upon the Government, and issued the following statement:

"That while appreciating the action of those of its members who have made arrangements for a deputation to wait on the Provincial Government, in the opinion of this Committee the conduct of the Commissioners in granting of licenses and the general lax

policy of the Government in administration of the license law have been such that we feel that any specific representation on our part would be futile, and we therefore content ourselves with registering an emphatic protest."

In 1906 the storm of discontent gathered momentum. More than one delegation waited upon the Government early in the year to ask that a majority vote should be sufficient in local option contests. On February 26th C. F. Czerwinski headed a temperance delegation, and on March 13th Rev. C. W. Gordon headed a deputation from the Presbytery of Winnipeg, to press this request. Hon. Robert Rogers on behalf of the Government declined to accede to these prayers of the delegation, and insisted that a three-fifths vote was regarded by the Government as essential in such cases. In order to defeat local option in Carman and Gladstone in the contests that were pending, an amendment was slipped into the Municipal Act depriving women of the municipal franchise and giving their husbands the power to vote on the property of their wives. The temperance forces of the Province were provoked not only at their resulting defeat in both Carman and Gladstone, but, even more, at the despicable means employed to secure the legislation. The Premier and the Attorney-General used their greater knowledge of the rules of the House to out-manoeuvre Mr. Lagimodiere who had successfully blocked the passage of the Bill till the dying hours of the session. A similar piece of sharp practice was resorted to in the matter of Elmwood. In March a delegation consisting of Rev. Principal Patrick, Rev. C. W. Gordon, Rev. Clarence MacKinnon, Rev. C. H. Stewart and J. B. Mitchell waited on the Government in the matter of the relation

of Elmwood to a segregated area proposed to be established in Winnipeg. The Attorney-General and the Minister of Public Works exhibited to them a map showing Elmwood outside the segregated area. Assurances were given that the hotel area would not include Elmwood. Subsequently a few lines were added to the Bill which included seventeen and a half acres of Elmwood in the segregated area. This fact was not discovered until after the House had arisen. Immediately afterwards a license was granted to the Riverview Hotel.

The criminal statistics of 1904 had now become available. These showed Manitoba to be in the unenviable position of being the most drunken Province in the Dominion. At the same time notoriety was given to the habits of certain New Canadians among the population of Winnipeg who were wont to purchase beer by the barrel instead of by the quart. Manitoba bade fair to be a happy hunting ground for brewers. The Manitoba brewers made representation of these facts to the Government to have licenses refused to competing firms who might come from outside the Province. The Government, accordingly, instituted a system of licenses for brewers as it instituted a system of licenses for the commercial travellers of manufacturers outside the Province. This was done under the pretext of advancing temperance. It gave the Government a greater measure of control over wealthy breweries. There were those who saw in this a source of revenue for party campaign funds. Whether these funds were thus augmented the writer cannot say.

On March 28 and 29th the Liberals of Manitoba who were preparing for an election which would not

be long delayed, adopted the following as their temperance plank:

"That the Liberal party place on record its cordial sympathy with the temperance movement as a moral reform, and

Pledges itself, if returned to power, rigidly to enforce the provisions of the law with regard to the liquor traffic, and so to amend the present License Act as to make the following provisions effective:

The enactment or repeal of local option by-laws upon the majority of the votes cast by the resident electors of cities, towns, villages and rural municipalities;

The restoration of the municipal franchise to married women who have the necessary property qualifications;

The appointment of license commissioners and inspectors who are in hearty sympathy with the enforcement of all provisions of the law;

The licenses shall be issued once a year, and once a year only, upon application filed on or before a fixed time;

On a petition of 25 per cent. of the resident electors local option must be submitted by a municipal council."

In June the Methodist Conference passed the following unanimous resolution at Neepawa:

"That this Conference deplores the enormous development of the liquor traffic in this Province; protests against the policy of the present Provincial Administration in

granting licenses in the interests of the traffic; approves heartily of the democratic principle of local option by the majority; and particularly with regard to the next election lays it on the conscience of its membership to scan closely the moral qualification of parties and candidates."

The year 1907 saw two events of importance,—the elections of March which returned the Roblin Government with a Legislature of 28 Conservatives and 13 Liberals, and, in November, an interdenominational conference which resulted in February, 1908, in the institution of the federation known later as the Social Service Council of Manitoba. The Government had been forced to yield in January in the matter of the municipal franchise for women. The leader of the Liberals was Edward Brown who had long been a temperance worker in Manitoba. The temperance forces declined to support the Liberals and the organized liquor trade rallied to the side of the Conservatives with the result indicated above. The Liberals, however, exhibited sufficient strength to induce Premier Roblin to give way on the question of the majority vote in local option contests. At the same time, on the other hand, he extended the segregated area in Winnipeg to assist two hotels which ought to have been closed.

On February 18th, 1908, the Social Service Council of Manitoba was organized. Its objects, as stated at the time, were "to serve as a clearing house for the various Provincial church courts and moral reform organizations, to establish co-operation and to avoid overlapping in the activities of applied Christianity, so

far as they were directed to the enactment and enforcement of beneficent legislation." From this time the Council gave leadership in Manitoba in the fight for temperance although its first crusade was directed to the overthrow of commercialized vice, a campaign attacking the segregated area which was officially recognized in defiance of the law in the city of Winnipeg.

There were the usual delegations to inaugurate the year 1908. Two that waited on the Government and the Law Amendments Committee deserve mention. The first led by Mr. William Whyte and Mr. J. H. Ashdown presented a petition with some 9,000 signatures asking that the bars be closed at 6 p.m. In the absence of the Premier, the Hon. Robert Rogers and the Hon. Colin H. Campbell declared that the early closing of the bars would be disastrous. They stated that a measure to abolish the bar-rooms altogether would be preferable. So far as legislation was influenced by this delegation the effect was the very opposite to what was desired. A Bill providing for the decision of local option contests on a majority vote was withdrawn. Provision was made for licensing bartenders. On March 17th the Hon. Robert Rogers in a speech in the Legislature took the astounding position that drunkenness in Winnipeg was due to 300 or 400 "blind pigs," and that the responsibility for these lay with "certain clergymen who a few years ago succeeded in breaking up the segregated area for women in the western part of the city." He further assured his henchmen that to close the bars at 6.00 p.m., as asked by the 9,000 petitioners, would multiply these evils greatly. On February 19th a delegation led by C. F. Czerwinski, W. W. Buchanan, Principal Patrick and W. H. Bartlett waited on the Law Amendments Committee. Their



waited on the law amendments Committee. Their request to the Government was to limit the vote for local option contests to residents and to enlarge the local option unit. Principal Patrick also asked for the abolition of the bar. Premier Roblin replied that the new local option provisions submitted to the Legislature would be "the most progressive and the most thorough ever submitted to a Legislature." When they came before the House Dr. Thornton moved two amendments. The first, that the vote in local option contests be limited to resident electors, was defeated by a vote of 10-23. The second, that the municipalities by a resident majority be given the power to reduce the number of licenses, met the same fate by a vote of 9-23. Several important amendments, however, were passed at this session. A new clause in the Liquor Act, No. 62, concerned the matter of the reception of petitions for local option. This clause operated to prevent the submission of by-laws to the electorate in the following December on the ground that applications had been served on the Clerk of the Council instead of upon the Council itself. The liquor interests were given an opportunity to upset the verdict of the people each year through the provision that a vote might be taken every year instead of, as formerly, every two years. Druggists were prohibited from selling liquor except on a doctor's prescription, no matter what might be the emergency. The right of searching any person without a warrant upon his entering a local option district, or the right of searching any building except a private residence, and the right of searching a private residence upon a warrant and of breaking into any cupboard, box or other receptacle, in search of liquor was conferred upon any license inspector, which was now to

signify any municipal constable. Other drastic changes were added. The objectionable nature of the right of search was emphasized in Kildonan where it was most rigorously enforced. In May the Provincial License

---

Department placed a staff of detectives on Seven Oaks bridge to search for liquor all parties going into Kildonan. The chief license inspector, M. J. Johnston, announced that all roads leading into local option territory would be similarly patrolled. The outcry that this called forth forced the Government to withdraw their pickets. But this exhibition of officiousness led to the repeal of local option in Kildonan in December, 1908. This action on the part of the Government gave point to a Free Press editorial of April 25th, 1908:

“It is known that the hotel men, whose activities were the chief factor in the success of the Roblin Government at the polls last year, have been told on behalf of the Government that the new measure in the long run is intended to operate in their behalf.”

The full force of the Governmental policy in the matter of local options did not become evident till December. The amendment concerning the reception of petition for local option contests has been already referred to. In December no less than 45 municipalities were debarred from having contests through the judicial finding that the preliminaries as now fixed by the law had not been complied with. H. S. Magee wrote in the “Pioneer”:

“Liquordom rejoiced and the temperance people were chagrined.”

A writer in the “Christian Guardian” thus described the situation:

“By a sub-section of the Manitoba Liquor License Act relating to municipalities, it is possible for units of that size to have local Prohibition. But this by-law is rendered almost useless on account of objections that can be taken to it on technicalities. A municipality votes when twenty-five per cent. of the electors petition for it. The first year, 1908, that the Moral Reform Council undertook to push local option seventy municipalities prepared for it, and forty were prevented from voting because of injunctions based on technicalities.”

We saw above that the twelve years, 1888-1899, witnessed a reduction of 51 in the number of licenses. In the eight years, 1899-1907, there was an increase from 167 licenses to 278, an increase of 111. The rate of increase of population was no greater in the latter period, while, owing to an increased temperance sentiment, the area for which licenses might be granted was much more restricted. The “best local option law in Canada” was proving a heavy disappointment to the temperance people of Manitoba.

In February, 1909, delegations from opposing sides waited on the Government. On the 20th the temperance forces were marshalled by Principal Patrick and W. W. Buchanan to the number of 1,600. The former stated that their purpose in going to the Government was to ask for the abolition of the bar, that petitions were being extensively signed with this end in view, and that they were prepared to leave the result to the people. Mr. Buchanan asked for the resident vote only in local option contests, for amendments to the local

option law making it more workable, and for the abolition of the bar. The Premier promised consideration of their requests and stated the Government's readiness to go as far as the people would go. On the following day 300 people, with T. W. Taylor, G. F. Bryan, R. M. Dennistoun and H. R. Hooper as speakers, waited on the Government with a petition signed by 26 citizens. They opposed abolition of the bar, asked for amendments to the local option law, wanted a three-fifths vote for local option. To these as to the previous delegation the Premier made the stereotyped answer promising consideration, but he added that the petition presented by the 300 was "possibly the most important and influential that had ever been presented to the Government. He did not know that he had ever received one which bore on its fact such significance." On June 16th the Free Press reported that the Hotel Keepers' Association was making protest to the Provincial Government against the existence in Winnipeg of drinking clubs maintained for the benefit of proprietors. These places were termed "dives masquerading as clubs." The following day T. M. Daly, the police magistrate of Winnipeg, addressed the Anglican Synod. He declared that the law governing the sale of liquor was being violated every hour in Winnipeg. He was in favour of taking the administration of liquor licenses out of political hands and investing it in a commission. On October 28th, 1909, the Pembina and Oakland local option by-laws were quashed on technicalities. In December the local option by-law was carried in Carman with a majority of 74.

1910 was an election year. February saw Dr. Thornton's usual resolution limiting voting in local

option contests to resident voters again negatived by a party vote. In April the Manitoba Liberals held a convention in Winnipeg in which the following temperance resolution was adopted:

"That this convention reaffirms the cordial sympathy of the Liberal party with the temperance movement as a moral reform and pledges itself, if the Liberals are returned to power, to further amend the Liquor Act so as to,—

1. Make a majority vote of the "resident" electors sufficient to carry a local option by-law;

2. Give the electors of any municipality power to limit or reduce the number of licenses to be granted by the same system as a local option by-law is voted upon;

3. Establish a licensing branch of the county court Judges to consider all applications and grant all licenses instead of the present system of license Commissioners."

At the same convention the Liberals pledged themselves to adopt the principle of Direct Legislation, which would have enabled the temperance people to submit the issue of "Banish the Bar" or "Prohibition" directly to the vote of the whole people. The Provincial elections were fixed for July 11th. Before that date, in May, the local option by-laws were quashed in Shoal Lake, South Cypress, Carman and Daly. Two days prior to the elections the Premier, at a public meeting in Carman, gave his pledge that "no license will be granted in Carman until the electors by their vote decide in favour of license." In the elections the

Government was again sustained with a Legislature of 28-13. The Roblin Administration once more felt secure. In December the local option by-law was again carried in Carman. It was again voided on a technicality.

In a review of the temperance situation published in 1914, the Free Press, discussing the situation in 1910, said:

"In 1910, as in 1907 and 1903, the temperance vote was split, the Conservative electors (with exceptions here and there) staying with their party. Why shouldn't they, when the men who have called themselves their leaders advised them in effect that there was nothing to choose between the parties? . . . For the past twelve or thirteen years there has been a succession of license scandals,—two or three every year. In each case the story was in effect the same,—the arbitrary and illegal imposition upon a protesting community of a liquor license. In each case there was a furious protest by the temperance leaders, with vows of reprisals upon election day. Yet in not one of the General Elections did the temperance leaders collect the facts as to these successive outrages and submit them to the electors for consideration. To do so would have been to weaken their slogan that "both parties are equally bad."

In 1911 the temperance forces adopted as their slogan the cry, "Banish the Bar." On interviewing the Premier they were asked to supply evidence that there

was a popular sentiment behind the demand. The Social and Moral Reform Council prepared a petition of 20,000 electors asking the Government to submit the question of banishing the bar to a referendum. Rev. Dr. Patrick, Rev. Dr. Crummy, W. H. Greenway, and W. W. Buchanan presented the petition and asked for provisions to discourage technical objections. The Premier denied that there was any serious trouble in securing the adoption of local option by-laws. He declared: "Where there has been a vote, I think in nearly every case the law stands and the bar is closed." When Mr. Malcolm, the Liberal member for Birtle, moved in the House that the petition be granted, the Premier and the Hon. Mr. Coldwell delivered speeches lauding the saloon and the treating habit. In June the Manitoba Methodist Conference adopted a report deploring that "while the authorities seem anxious to please the temperance people daily occurrences indicate that all the time they play into the hands of the liquor traffic." The Methodists returned to the attack in September. The District meeting for Carman strongly censured the Government for granting a license in Carman in violation of a pledge given by the Premier in July,—

"They have thus violated the public promises made by the Hon. R. P. Roblin and the assurances given to the people of Carman by the Hon. Robert Rogers. We cannot condemn too strongly such actions on the part of our public men as we believe they are morally harmful to the young people of our country and tend to undermine and destroy the best traditions and institutions of our land."

The usual pilgrimage took place to the Government in February, 1912: W. W. Buchanan drove home the request for the submission of the question of banishing the bar to the electorate. The Hon. C. H. Campbell was spokesman for the Government. It would neither enlarge the local option unit nor consider the proposition of a referendum. In the Legislature the party discipline was invoked to defeat G. H. Malcolm's resolution for a referendum. The vote was 20-14. It is instructive to note the pronouncements of the Ministers of the Crown. The Premier declared:

"Now what is the treating custom? The treating custom is simply the manifestation of the social and the intellectual qualities of man as contra-distinguished from the ordinary brute creation. If you take away the social qualities of a man, you have something very little better than a brute. Here is a declared intention to curb, restrain, destroy if possible, that social side of life. In the first place, I think it is absolutely wrong to make any such attempt. Secondly, I know it is absolutely impossible without exterminating the race, and therefore I refuse to acknowledge the desirability of any such action."

The Minister of Education spoke after a like fashion:

"The treating habit is the principle of ordinary human hospitality embued in our breasts. They should not try to take away from a man one of his best impulses."

There were signs that the patience of the people was becoming exhausted. The Superintendent of the



Methodist Church gave it as his opinion that the Government wanted to have it understood that it did not want the temperance vote. He would not have the people feel under any obligation to the Government. Clauses accepted by the Law Amendments Committee from the Social Reform Council were afterwards deleted. Father St. Amand issued a public protest against a license scandal at St. Jean. There Pelissier's hotel had its license cancelled owing to a petition. An extension of time had been granted for disposing of stock. This was not only subsequently renewed, but at a meeting of Commissioners, held at Manitou on August 30th, without any notice being given to petitioners, the license was renewed.

The year 1913 saw the usual deputation waiting on the Government for improvements in the local option law and for the banishing of the bar. The Premier advanced the view that a vote on "Banish the Bar" would endanger local option in the municipalities in which it was in force. On May 1st Chief Justice Mathers in rendering judgment quashing the North Cypress local option law expressed the opinion that it was a very serious thing that some trifling irregularity which probably had not the slightest effect on the result should be held to undo what had been done. When the South Cypress by-law was quashed Rev. R. L. McTavish declared that he trusted that the Government that would give to the Province such a farcical local option law would be buried so deep that it might never rise again from its political grave. The Portage District Meeting of the Methodist Church passed a resolution "that until some effective remedy for this state of affairs is provided the Methodist Church declares itself opposed to the wasting of money on local option cam-

paigns." In July Father Jubinville exposed a liquor scandal at St. Anne, and the North-West Review stated that the main qualification for a license Commissioner was that he prove himself a docile party follower. It was just at this juncture that the Governmental party organ stated that the legislation on the statute books of Manitoba was the most advanced in any portion of the Dominion. To such lengths was partisanship prepared to go. In August Max Steinkopf told the license Commission that he knew cases where people paid \$500 to get a license. In November Bishop Beliveau stated that the number of bars in St. Boniface was too large and that St. Boniface was "too drunk by half."

On February 10th, 1914, the Manitoba Free Press, and on April 17th, 1914, Premier Roblin, as reported in the Winnipeg Telegram, outlined the temperance issue. The Free Press stated:

"The temperance elector knows Sir Rodmond's record:

That twelve years ago he destroyed the Prohibition measure;

That he resisted for years the demand for a majority vote in local option districts;

That he disfranchised women voters in local option contests, and only restored the vote under the pressure of an adverse vote that alarmed him;

That he still refuses to limit local option contests to resident electors;

That year after year he refused to provide a saving clause to the Local Option Act until the present session, when, in fear of the coming elections, such a clause was promised;

That he has tolerated scores of license scandals by which bars have been imposed upon places that did not want them;

That he has publicly glorified the bar;

That he has deliberately broken pledges given personally to the temperance people of Carman and Miami;

That he has made the whole liquor trade of the Province an integral part of his political machine;

That he has permitted 'protection' to be extended to notorious resorts in the city of Winnipeg;

That he refuses to remit the question of banishing the bar to the people;

That he is an out-and-out opponent of the proposal to abolish the bar."

The Premier gave his analysis of the temperance issue at a banquet in honour of Hon. J. H. Howden. He detailed the achievements of each separate year. He declared that the cause of temperance had been fostered and protected and advanced steadily since the day the Conservatives took office. He found the temperance plank in the Liberal program the most reactionary and retrograde suggestion that he had seen made in 15 years. When the Conservatives came into office in Manitoba there was practically no control of the liquor license trade in the Province. Liquor was sold 24 hours in the day and seven days in the week. Wholesale licenses were issued in rural municipalities. No conditions as to houses or rooms for the issue of license were in existence and what was called the restaurant or saloon license obtained. The fees for

licenses were nominal. Free lunches and music, slot machines and all other devices to draw people were permitted in bar rooms. Brewers were not licensed. Billiard and pool rooms were operated in licensed places without municipal control. The Premier called his record since that time "sane, practical, progressive temperance legislation." "When we came into office the following rural municipalities were under local option,—Argyle, Arthur, Birtle, Brenda, Edward, Elton, Lansdowne, Miniota, North Norfolk, Pipestone, Riverside, Whitehead. These are still under local option, numbering twelve." This speech was reported at considerable length in the Winnipeg Telegram of April 17th, 1914. It is Premier Roblin's "Apologia" for his license record. Its condemnation is to be found in a bare recital of the history of the period.

By 1914 liquor was proscribed in the following places:—Albert, Argyle, Arthur, Bifrost, Birtle Town, Birtle Municipality, Brenda, Cameron, Dufferin, Edward, Ellice, Elton, Hamiota, Hartney, Langford, Lansdowne, Macdonald, Louise, Miniota, Minnitionas, Morton, North Norfolk, South Norfolk, Odanah, Pipestone, Riverside, Roland, Rosedale, Rossburn, Shoal Lake, Silver Creek, Swan River, Wallace, Whitehead, White-water, Winchester, and Woodmont,—37. Emerson had lost on a recount. The King's Bench set aside Carman, Daley, North Cypress. The following had been lost by repeal:—McCreary, Swan River, Thompson, Roblin and Kildonan.

The year 1914 opened with a prospect of a provincial election and of a testing anew of this temperance issue. The situation was accentuated by the existence of similar dissatisfaction in the adjoining Province

of Saskatchewan. There a great temperance convention in Regina in December, 1913, demanded a referendum on the abolition of the bar. At first it seemed as if Premier Scott would grant the referendum, but great indignation was aroused when the Legislature adjourned without giving effect to what had been construed as a promise.

As early as January 7th, 1914, a deputation from the Social Service Council headed by Sir William Whyte waited upon the Government of Manitoba with six distinct requests:

1. The appointment of a Provincial Morality Inspector, who would be authorized to act as a public prosecutor with respect to the criminal code;

2. The adoption of better and more scientific methods for the treatment of prisoners, such as had already been instituted in Ontario.

3. Proper regulation and restriction of bill-boards and their advertisements;

4. The amendment of the Local Option law to make it consistent with its avowed purpose, and reasonably workable;

5. Legislation to eliminate the bar and abolish the treating habit, or else a referendum of the matter to the electors of the Province;

6. If neither of these proposals relating to temperance met with approval the Government should prescribe and enact some progressive measure that would decrease the facilities and temptations to drink and would promote sobriety.

The deputation contended that the Act as it stood was absolutely unworkable, and that in no less than 70 cases within the past few years municipalities had either been prevented from availing themselves of its provisions or had had the by-laws quashed upon a technicality after they were adopted by popular vote. The amendments desired included the elimination of the non-resident vote, the grouping of villages with the rural municipalities of which they naturally formed a part, the making the municipal council the final judges of the sufficiency of petitions, and the addition of a saving clause to prevent the quashing of the by-laws upon trivial technicalities. The Premier declared himself and his Government in favour of Local Option, but would not promise any change in the law. He declared his opposition to the abolition of the bar and to a referendum on that subject. He surprised the deputation by suggesting that he was in favour of total prohibition. Such was the interpretation placed upon his words. What he actually stated was that he was himself in favour of local option "until such time as we can have absolute Prohibition." A week later the Premier intimated that he was prepared to insert a saving or curative clause in the Local Option-law before the close of the session. When J. B. Baird, member for Mountain, moved in the Legislature on January 13th, 1914, for a referendum on the question of abolishing the sale of intoxicating liquor in bar-rooms the Premier made a strenuous speech in opposition and moved in amendment:

"This Legislature, having declared for the prohibition of the sale of intoxicating liquors, whether retail or wholesale, by the Local Option clauses of the Liquor License Act, and

excellent results having been secured therefrom, declines, until proof is given that some other method would be more effective, to endorse any action or policy regarding the liquor trade that may impair the securing of total prohibition, as provided in said Local Option clauses."

This amendment was carried on a straight party division, 23-12. In this same month, January, 1914, the murder of the banker Arnold at Morden by Krafchenko led to an exposure through a Royal Commission of the "clubs" scandals in Winnipeg. Under the guise of social clubs, drinking and gambling dens were flourishing in that city. The presence of this great social cancer in the heart of Winnipeg led to a great mass meeting in Grace Church on Sunday, February 1st, in order to awaken the social conscience on the club evil. Rev. C. W. Gordon presided, and the speakers included: Rev. J. L. Gordon, Rev. J. E. Hughson, W. W. Buchanan, R. C. Henders, Rev. G. B. Wilson, and W. R. Bartlett. Few meetings have aroused a greater measure of indignation against a social menace than did this mass meeting at Grace Church. In the meantime the Public Accounts Committee of the Legislature ordered an investigation into the conduct of the Winnipeg clubs, but four days later, after summoning eight managers of these clubs, it reversed its decision, and excused the club managers from attendance. This was followed up in the Legislature by the Government's defeating, on the instigation of the Attorney-General, of a motion by William Ferguson asking for changes in the administration of clubs. But outside the walls of the Legislature the storm was gathering. On February 6th a remarkable delegation waited upon the

Government to present the resolutions adopted at the mass meeting at Grace Church requesting a royal commission to investigate Winnipeg clubs, the stopping of the multiplication of licenses, and the application of the early closing by-laws to bars. The Premier declined the request, but suggested that it might be advisable to give municipalities the power to decide how many licenses should be issued in their limits. It was on this occasion that Rev. G. B. Wilson made his amazing impeachment of the Premier: "You have nothing to offer the temperance forces, and they have nothing to ask from you." On February 10th the Government defeated a resolution by S. Hart Green for an inquiry into the drinking clubs by a vote of 26-11. A week later the Premier wrote W. W. Buchanan that "public opinion is almost or quite educated to support legislation that will give to each municipality the right to decide as to the number of licenses for the sale of liquor within its boundaries, either wholesale or retail." He regretted that "the temperance organizations of the Province did not give me that support which I felt was necessary to justify me in passing such legislation at this session." The following day T. C. Norris moved in the Legislature that the Liquor License Act be amended to limit the voting in local option contests to resident electors, to give the electors of a municipality the power to reduce or limit the number of licenses or to prohibit the retail sale of liquor. The Premier opposed this proposal and lauded the Winnipeg clubs, and particularly the Moose Club. The Norris motion was defeated on a straight party vote.

The Social Service Council of Manitoba convened a great convention and invited each church and affiliated society to send one delegate for every hundred



members. Nearly one thousand delegates answered the call for March 19-20th, 1914. The convention was marked by complete harmony and a determination to deal a heavy blow to the liquor traffic. The convention created an enthusiasm for the temperance cause that had been unequalled in Manitoba for at least a decade. It affirmed the policy of "the use of local option for the promotion of veto and the abolition of the bar for application to licensed territory." It commended the Liberal party for its offer of a referendum so persistently refused by the Government. It issued the warning, however, that "no party can secure the heartiest and fullest support of the temperance people of Manitoba unless it definitely avows its sympathy with the abolition of the bar." The Social Service Council was instructed not to abandon its non-partisan attitude unless and until some political party should declare itself in favour of the abolition of the bar. At the same time the Council might agree that the Act necessary to give effect to this should not come into operation until endorsed by popular vote. The week following the temperance convention a Liberal convention was held. There were evidences of division in their ranks. Many Liberal temperance men were strongly for an out-and-out endorsation of "Abolish the Bar." Others were fearful of the result of such a policy on the foreign vote. The temperance resolution pledged the party to some substantial amendments in the Local Option law, such as the elimination of the non-resident vote, and the issue of no licenses where a local option law was quashed on technical grounds. It promised municipalities the power to shorten the hours of sale, as well as to limit, reduce or abolish any class

of liquor licenses. With respect to the abolition of the bar the resolution stated:

"The Liberal party, recognizing the grave evils, disorders and corrupt influences associated with the liquor traffic, especially the bar sale of liquor and the treating custom, reaffirms its unqualified sympathy with the temperance cause and pledges itself to pass an act for the abolition of the bar, to be prepared by the recognized temperance forces, and to submit such an act to a referendum, which act, if endorsed by the electors, shall be put into operation and shall have the hearty support of the Liberal party in its thorough enforcement."

One or two Liberal leaders did not interpret this declaration as pledging the party to active sympathy with the temperance policy, and some members of the Social Service Council denounced it as purposely vague. Thereupon a Committee of the Council interviewed Mr. T. C. Norris who declared that "sympathy with the Liberal cause included sympathy with the abolition of the retail sale of liquor." The Council thereupon issued a statement that the temperance resolution of the Liberal convention, as interpreted by the leader of the party, was acceptable and satisfactory to the Social Service Council. The Council resolved to assist Mr. Norris in the field of practical politics.

It was shortly after this interview with Mr. Norris that a large and representative meeting of the Presbyterian office-bearers of the city of Winnipeg condemned Premier Roblin as a foe to the cause of temperance and called on the friends of temperance

to deny him\* their support. This was followed by similar action on the part of the Methodist Union of Winnipeg. With one dissenting voice it passed a strong resolution condemning the administration of the liquor laws of the Province by the Roblin Government and deploring "the evident sympathy which has existed and does exist between that Government and the liquor traffic." At a meeting of the citizens of Winnipeg a resolution was passed declaring that "the time has come in the development of the Province when the highest interests of all classes require that the bar in both club and hotel and with it the treating habit should be forever banished."

The temperance convention had passed a resolution to establish an "Elector's Covenant" pledging those who accepted it not to vote for any candidate who would not definitely agree to support a resolution to banish the bar if elected to the Legislature. The Social Service Council planned a series of great field days in different parts of the Province culminating in a remarkable campaign of public meetings in Winnipeg by Charles Stelzle of New York and by Mrs. Catherine Booth-Clibborn, La Marechale, the eloquent daughter of General William Booth. A Russian Field Secretary was appointed to arouse an interest among his compatriots. The Bishop of St. Boniface spoke in favour of advanced temperance legislation. Church courts urged their members "to use every rightful means at their disposal to give expression to their citizenship at the coming Provincial elections in order to achieve the destruction of the bar-room." In a vote on March 13th, 1914, only two constituencies went wet,—St. Boniface, 971-1,020, and Winnipeg North, 2,728-2,767. Together they had a total majority for the "wet" policy of only



88. In the other places the vote was: For, 48,769; against, 24,491.

The main result of the temperance agitation was that the Premier barely escaped defeat at the elections on July 10th. The Opposition secured twenty-one seats out of the forty-five that were contested. The following seats were gained from the Government: Arthur, Carillon, Deloraine, Glenwood, Hamiota, Norfolk, Portage la Prairie, Russell, Virden, two seats in South Winnipeg and an Independent in Centre Winnipeg. The serious losses were due to dissatisfaction with the administration of the liquor laws and to the Government's refusal to respond to the challenge to banish the bar. Sir R. P. Roblin did read the handwriting on the wall sufficiently to close all bar-rooms at 7.00 p.m., and to make some other improvements in the License law. Though these changes were far from satisfying the temperance people they resulted in a 17 per cent. reduction in the convictions for drunkenness.

"We have now reached the eve of the Great War. Few could have ventured to prophesy the changes that impended. Nowhere were these changes more drastic than in the matter of the regulation of the liquor traffic. At this juncture it will be convenient to sum up the record of the Roblin Administration. It found 147 bar-room licenses when it took office in 1900. It had increased the number to 243. It found 24 wholesale licenses. It had increased the number to 53. It found one club. It had increased the number to 21.\* During 1913 there

---

\*The total number of liquor licenses in Manitoba,—hotel, wholesale, club and restaurant, was as follows:—1900, 171; 1901, 188; 1902, 194; 1903, 226; 1904, 249; 1905, 254; 1906, 261; 1907, 269; 1908, 267; 1909, 282; 1910, 274; 1911, 284; 1912, 296. Restaurant licenses disappeared in 1904; club licenses appeared first in 1909.

were no less than 6,540 convictions for drunkenness in the four cities of the Province. Within a decade, with an increase in population of about one-third, there was destined to be a decrease in convictions for drunkenness of 5,511 or 84 per cent. The following table of convictions for drunkenness indicates the profound change that was at hand:

Year.	Winnipeg.	St. Boniface.	Brandon.	Portage la Prairie.	Total.
1913.....	5,101	610	411	418	6,540
1914.....	4,344	369	395	284	5,392
1915.....	3,259	191	539	111	4,100
1916.....	1,795	86	169	34	2,084
1917.....	1,060	28	27	29	1,144
1918.....	824	26	21	11	882
1919.....	1,654	70	30	28	1,732
1920.....	1,935	99	79	77	2,190
1921.....	884	78	42	25	1,029

The day after the Provincial elections the Executive of the Social Service Council decided to enter upon an immediate campaign for the adoption of veto under local option. It promised literature and speakers for local campaigns, but indicated that each local committee would manage its own affairs.

In August came the declaration of war. Both Germany and Russia immediately adopted measures to keep the liquor from the troops. By a Ukase the latter prohibited the manufacture and sale of vodka throughout its vast territory. Norway, though neutral, adopted total prohibition as a war measure. In September the Government of Manitoba called a special war session to deal with war measures. A deputation from the Social Service Council arranged to interview the Premier on September 18th to ask for the elimination

of the liquor traffic as a war measure. Though he had promised an interview, the Premier refused to admit the delegation. The President, Rev. C. W. Gordon; the Secretary, W. W. Buchanan; Rev. A. G. Sinclair; and Mrs. Nellie McClung addressed the delegation from the steps of the Parliament Buildings. By October 1st 32 municipalities filed petitions for a vote under local option. One Council failed because it did not have a voters' list. Two petitions were irregular. Twenty-nine by-laws were passed ordering a vote. No less than seven of these were stopped by injunctions of the Court of King's Bench upon some technical objection. Only in one municipality was there an application to repeal the veto, in Bifrost which was settled almost entirely by Icelandic and Ruthenian people. In November the word came that five American States had adopted state-wide prohibition. Throughout this month literature was lavishly distributed. Many public meetings set forth the issue with great clearness. "The Statesman" issued two special editions.

The Roblin Government at length began to sense the trend of feeling. On November 9th it was announced that the License Commissioners had cancelled the licenses of no less than seven clubs in Winnipeg. On November 21st James Argue, ex-M.L.A., who was in hearty sympathy with temperance reform, was appointed chief license inspector for the Province. On December 1st it was announced that, beginning with December 11th, wholesale places would close for the sale of liquor at 6.00 p.m., and bars and clubs at 7.00 p.m. On the same day the Premier assured a delegation from the Social Service Council that the next session of the Legislature would see an extension of municipal control or local option. On December 14th

16 out of 22 municipalities voting declared for veto. These included Portage la Prairie and Neepawa. At the same time in Bifrost the attempt to repeal local option was defeated by a vote of nearly three to one.

Throughout 1915 the agitation for temperance legislation proceeded. In the spring Premier Scott of Saskatchewan made his famous Oxbow speech in which his Government undertook to abolish the bar and to substitute the dispensary system of Government control. Alberta voted in favour of Prohibition by 58,295-37,209. The growing tide of temperance sentiment was carefully noted in Manitoba.

Prior to the elections of 1914 the Manitoba Liberals had placed a referendum on the question of Prohibition in their platform. They had been defeated by a narrow margin on the occasion. Less than a year later under circumstances that reflected grave discredit on the Roblin Government the Liberals assumed office. At the very first session Premier Norris placed the Macdonald Act, which for 14 years had lain in its coffin, upon the Statute Book subject to adoption by the electors of the Province at a referendum which the Government fixed for Monday, March 13th, 1916. The result was that the Province declared in favour of this Act, which, as has been seen, had been passed upon by the courts and upheld. The vote stood 50,484-26,502. This Act was to come into force on June 1st, 1916. Apart from Prince Edward Island, Manitoba was the first Canadian Province to adopt Prohibition to the extent made possible by the division of authority between the Legislatures of the Dominion and of the Provinces. Alberta was next, then Ontario. It is interesting to compare the votes of the Prairie Provinces in the matter of Prohibition,—

	For	Against	Majority
1915—Alberta .....	58,295	37,209	21,086
1916—Manitoba .....	50,584	26,502	23,982
1916—Saskatchewan* ....	95,249	23,666	71,583

The Manitoba Temperance Act, 1916, was the Macdonald Act of a decade and a half previous prepared by Mr. J. A. M. Aikins. It prohibited the sale of intoxicating liquors within the Province of Manitoba for beverage purposes. It abolished all licensed bar-rooms, clubs and wholesale stores and thus did away with the treating system. It provided for the sale of liquor for medicinal, mechanical, scientific and sacramental purposes through licensed drug stores. It permitted hospitals to keep liquor for the use of patients and allowed a sick person to keep liquor in his own room. It allowed such persons as were properly registered in their particular professions, as druggists and physicians, to obtain alcohol for strictly medicinal, mechanical or scientific purposes. It allowed a householder to keep liquor in his own house for his private use provided it was not purchased within the Province. It provided against the abuse of this privilege. A private dwelling house ceased to be such within the meaning of this Act if offences against this Act were permitted. It prohibited the keeping of any liquor in hotels, clubs, offices, places of business or boarding houses. It prohibited selling or giving liquor to minors. It imposed a heavy fine and imprisonment for an infraction of the Act. It did not stop the manufacture of liquor in the Province as this was granted by Dominion statute. It did not prevent the importation of liquor from outside the Province as this right was granted by

---

\*On the question of abolishing the Government Liquor Stores or Dispensaries.



Dominion statute. It prevented the sale of such, however, within the Province.

The quantity that might be sold under a druggist's wholesale license for mechanical or scientific purposes was restricted to 10 gallons at any one time to any one person. Retail druggists or physicians holding a retail druggist's license could obtain quantities of five gallons at a time from wholesale druggists. Upon a physician's prescription a retail druggist could sell up to two quarts to, or on behalf of, a sick person. To a dentist he could sell up to one pint. To a veterinary surgeon he could sell up to one gallon. But a dentist could not have more than a pint or a veterinary surgeon more than a gallon in his possession at any one time. Clergymen could have in their possession at any one time up to two gallons of liquor for sacramental purposes. Incorporated hospitals were allowed to have undefined quantities of liquor in their possession, but it must be used strictly for patients under a physician's prescription. Druggists must be specially licensed to sell liquor. In no case must the liquor sold by them be used as a beverage. Records of all sales must be kept and copies forwarded half-yearly to the Government. In the case of liquor procured for mechanical or scientific purposes affidavits as to the intended use must be submitted on each occasion. Clergymen must submit written or printed requests to procure wine for sacramental purposes. All their records must be preserved for one year and must be open to public inspection.

Under heavy penalty drinking in drug stores was prohibited. Penalties were provided for various offences. The enforcement of the Act was placed directly under the Attorney-General's Department. A chief inspector was created. As a beverage liquor

might henceforth be consumed only in private houses, but the term "private house" was enlarged to include a suite of rooms in an apartment block. Occupiers of private houses or suites could, however, obtain no liquor for beverage purposes within Manitoba. They could obtain it only from outside the Province, but they could obtain it thus in any quantity by freight, express or mail, or indirectly, through a commission house. But commission houses could not hold stock. Brewers and distillers holding Dominion licenses could manufacture and hold stock within Manitoba but they could sell only to outside points.

That prohibitory measures in all the Prairie Provinces, in spite of the activities of the commission houses, led to a distinct decline in drunkenness, is seen from a comparison of the convictions for drunkenness for several years:—

	1913	1914	1915	1916	1917	1918	1919	1920
Manitoba . . . . .	7,493	6,193	4,154	3,114	1,085	1,123	1,570	2,330
Saskatchewan . . . . .	2,970	2,142	1,332	1,062	770	434	618	919
Alberta . . . . .	7,233	5,710	2,802	1,809	391	325	1,057	1,535

Although the Act came into force only on June 1st, 1916, the number of convictions for drunkenness for 1916 were practically two-thirds of the number for 1915. In the following year, 1917, the citizens of Manitoba joined with those of other Provinces in a campaign to put an end to the unrestricted inter-provincial shipment of liquor. The effort was not in vain. The Dominion Government by an Order-in-Council of November 2nd, 1917, under the provisions of the War Measures Act, 1914, enacted that after December 1st, 1917, "no grain of any kind and no substance that can be used for food shall be used in Canada for the distillation of potable liquors." The penalty provided was "a

fine not exceeding five thousand dollars or imprisonment for a term not exceeding six months or both fine and imprisonment." On December 23rd the Union Government which had recently carried the Dominion elections by a large majority announced an Order-in-Council prohibiting the importation of liquor as a war measure,—

**"P.C. 3473—December 22, 1917,—**Whereas the War Committee of the Privy Council reports that there is urgent necessity for conserving all the energies and resources of Canada for the vigorous prosecution of the present war;

And whereas the War Committee recommends that for the purpose of preventing waste, and for the promotion of thrift and economy, the conservation of financial resources, and the increase of national efficiency, the importation of intoxicating liquors be prohibited during the continuance of the war, and for one year thereafter;—

Therefore his Excellency the Governor-General-in-Council, on the recommendation of the Right Honourable the Prime Minister, and under and in virtue of the provisions of the War Measures Act, 1914, is pleased to make the following regulations and the same are hereby made and enacted accordingly,

(1) No intoxicating liquors shall be imported or brought into Canada on or after the 24th of December, one thousand nine hundred and seventeen, unless actually purchased for importation into Canada before the day and

imported into Canada on or before the 31st day of January, one thousand nine hundred and eighteen, and unless evidence satisfactory to the Minister of Customs of the purchase having been so made is submitted to the said Minister.

(2) The provisions of this regulation shall not apply (a) to wine for use in Divine service; (b) to intoxicating liquor for medicinal purposes; (c) to intoxicating liquor for manufacturing or commercial purposes other than for the manufacture or use thereof as a beverage.

(3) For the purposes of these regulations, any beverage or liquor containing more than two and one-half per centum of alcohol shall be deemed to be an intoxicating liquor.

(4) These regulations shall continue in force during the continuance of the present war, and for twelve months thereafter."

A few days later the words "proof spirits" were substituted for "alcohol."

Laws had now been passed in every Province of Canada prohibiting the sale of intoxicating liquor, and these laws were now in force except in the Province of Quebec where the prohibitory law was to go into force on May 1st, 1919. In order to make these laws more effective the Dominion Government on March 11th, 1918, by Order-in-Council enacted regulations supplementing these provincial laws. Already on December 22nd, 1917, Sir Robert Borden had announced that the transportation of liquor into any part of Canada wherein the sale of intoxicating liquor was illegal would

be prohibited on and after April 1st, 1918, and that the manufacture of intoxicating liquor within Canada would be prohibited on and after a date to be determined upon further investigation and consideration of the actual conditions of the industry. The regulations adopted on March 11th prohibited the manufacture of intoxicating liquor within the Dominion after April 1st, 1918, except for sacramental, industrial, artistic, mechanical, scientific and medicinal purposes. They also prohibited inter-provincial trade in liquor. From April 1st, 1918, the Provincial law was supplemented by Dominion regulations. The "dry" period begins with this date.

In order to protect itself against the establishment of export liquor warehouses within its borders, the Province of Manitoba enacted in 1918 that liquor warehouses must be bonded warehouses. This has had important results, for the Department of Inland Revenue had issued instructions that no license should be issued for a bonded warehouse in any Province without the approval of the Attorney-General of that Province. Such approval the Attorney-General of Manitoba has withheld. The consequence has been that liquor warehouses have been kept out of Manitoba. The constitutionality of this procedure has been questioned, but never tested in the courts of Manitoba. With the ending of the war a campaign was begun immediately for a Dominion law to take the place of the Dominion Order-in-Council. People who remembered that there were 7,493 convictions for drunkenness in 1913 and discovered that there were only 1,123 in 1918 were little inclined to go back to the open bar.

In November, 1919, an amendment to the Canada Temperance Act provided that in any Province where a

Temperance Act was in force a referendum might be taken on the question of prohibiting the importation of liquor for any purpose except that permitted by the Provincial Temperance Act. This was to be used as a basis for future progress. In the meantime, with the return of men from overseas, and the outbreak of the prescription abuse the convictions for drunkenness increased to 1,570.

On January 1st, 1920, the Order-in-Council which had come into force on April 1st, 1918, was allowed to lapse. Inter-provincial shipping of liquor was active during 1920. There were certain court decisions that affected the use and regulation of liquor. Among these was the case of Rex v. La Chance in which the courts held on June 10th, 1920, that a signed prescription given by a physician in blank to be filled in with "gin, rye or Scotch," whichever might happen to be in stock when presented at a drug store, was a prescription for intoxicating liquor for which the physician might be liable under Sec. 57 of the Manitoba Temperance Act. On October 25th, 1920, a referendum was taken on the question of prohibiting the shipping of liquor into Manitoba excepting for the purpose permitted by the Manitoba Temperance Act. The majority in favour of prohibiting the importation of liquor was 13,775. The effect of the open importation of liquor during this year showed itself in the increase of the number of convictions for drunkenness from 1,570 to 2,330.

On February 1st, 1921, the Federal law prohibiting importation came into force. At the same time certain amendments to the Manitoba Temperance Act became effective. A Government liquor warehouse was established at Portage la Prairie. It was illegal for anyone except the Government officer in control of the Govern-

ment warehouse to import liquor into Manitoba for any purpose. It continued to be illegal to sell liquor for any purpose excepting medicine, the sacrament, science and industry. No one was allowed to sell liquor by wholesale excepting the Provincial Vendor, and no one was allowed to sell it by retail except druggists and the Vendor. The effect of the Federal law against the importation of liquor was shown in a 53 per cent. decrease in drunkenness.

During this same year two new organizations became active,—the Moderation League and the Better Citizenship League of Manitoba. The Moderation League advocated the sale of liquor by the Government for beverage purposes. It clamoured for a vote on the question of changing the Provincial law to permit such sales. It circulated the following petition extensively throughout Manitoba:

"To the Honorable the Legislative Assembly of Manitoba:

We, the undersigned electors, respectfully request that the following proposed law,

"AN ACT TO PROVIDE FOR GOVERNMENT CONTROL AND SALE OF ALCOHOLIC LIQUORS,—

His Majesty, by and with the consent of the Legislative Assembly of Manitoba, enacts as follows:—

1. This Act may be cited as the "Government Liquor Act."

2. The Government shall establish and maintain at such places as are considered advisable, stores to be known as "Government Stores" for the sale of alcoholic liquor for beverage, medicinal, and sacramental pur-

poses, in accordance<sup>at</sup> with such regulations as may from time to time be made by the Lieutenant-Governor-in-Council.

3. (That) sales of alcoholic liquors shall be made to all persons holding a permit issued by the Government or some person appointed by the Lieutenant-Governor-in-Council for that purpose; and that such permit be revocable and be subject to such conditions and restrictions as may be imposed by the Legislature of this Province; and (that) such permits be issued to any person over the age of twenty-one years. The fee for any such permit shall be such nominal sum as may be fixed by the Lieutenant-Governor-in-Council."

shall be submitted to a vote of the electors of the Province for their approval or rejection unless enacted by the Legislative Assembly as provided in Section 4 of the "Initiative and Referendum Act," and we nominate the following persons, namely: Lieutenant-Colonel William Grassie, William Pearson, and J. P. Turner as a Committee to frame the arguments in favour of the proposed law. Your Petitioners ask for a Special Referendum Vote."

The Social Service Council felt that it ought to meet this challenge. About the first of August, 1921, it took up the question of bringing into existence a league which would provide membership for the individual citizen. This league was organized under the name of the Better Citizenship League of Manitoba,—the personal membership and personal service branch of the Social Service Council of Manitoba. It circulated a large number of petition cards which urged that a



fair time test should be given to the existing legislation before any proposal to change it should be submitted to the people. Citizens of Manitoba to the number of 45,000 signed these cards. The counter petition of the Better Citizenship League is herewith given:

"To the Honorable the Government and the Legislative Assembly of the Province of Manitoba:

Whereas before the Manitoba Temperance Act was brought into force a vote of the electors was taken on the complete draft of the said Act, thus recognizing the people of the Province as the final authority in determining the liquor policy of the Province and the methods of its administration;

And whereas an effort is now being made to have a proposed law, designated 'the Government Liquor Act' submitted to a vote of the people with the purpose of having it replace the Manitoba Temperance Act now in force;

And whereas the said proposed law is merely skeleton legislation instructing the Government to open liquor stores and issue permits for the purchase of alcoholic liquors for beverage purposes, but imposes no restrictions on the sale or methods of distribution of intoxicating liquors to persons holding permits, and does not define the conditions upon which permits may be obtained or held;

And whereas the effect of such an Act would be to take away from the people of the Province the final authority in dealing with the details of liquor legislation and vest the same in the Government;

Therefore the undersigned, being a citizen of the Province of Manitoba, and of the age of twenty-one years, petitions your Honourable Bodies,—

1. That no proposal to change the liquor policy of the Province be referred to a vote of the people unless the complete legislation covering such proposed change in all its working details has been embodied in a petition signed by electors not less in number than eight per cent. of the total votes polled at the general Provincial election last held;

2. That since the proposed 'Government Liquor Act' by its lack of legislative detail and definiteness violates the above condition, it be not submitted to a vote of the electors of the Province;

3. That the Liquor Legislation now in effect in this Province be continued for a period of at least three years before the people of the Province are asked to vote on any alternative measure."

This petition was effective in stirring up public opinion in regard to temperance legislation. It strengthened the hands of the Government in continuing existing legislation in order to give it a fair test. Although the question became badly tangled up in the Legislature with the question of direct legislation the views as expressed in this counter petition prevailed.

Following the refusal of the Legislature to grant the petition of the Moderation League, Mr. John Williams, Member for Arthur, and Mr. A. E. Smith, Member for Brandon, gave notice of a resolution to the House calling for the appointment of a Committee to study the problems of liquor control and to report at the next session of the Legislature for action at that session. Shortly afterwards the Moderation League placed on the table of the Legislature a new petition carrying 13,000 names. The Moderation League asked the Social Service Council to consent to one of two proposals:

(a) That the Moderation League legislation be submitted to a vote of the people in October or November, 1922.

(b) That the Legislature be urged to enact the new Moderation League legislation which would remain unproclaimed on the Statute Books until after March, 1923, the popular vote to be taken at that time. The Social Service Council would consent to neither proposition. It claimed that the question of a vote had been disposed of for 1922 by the action of the Legislature. It contended that to put the Moderation League's Act on the Statute Book would be to endorse it. The Council, however, recognized that before the matter was settled a vote would be necessary on the question of Government liquor stores supplying liquor for beverage purposes. It felt that this vote would not likely be deferred beyond June, 1923. It was ready to accept this time as being most suitable for getting a satisfactory vote of the electors of Manitoba.

In a recent bulletin the Social Service Council thus describes the situation:

"Great activity is being shown by the Moderation League and by other agencies interested in the restoration of the liquor traffic for beverage use. It is evident that much money is being spent in the printing of literature, newspaper publicity and payment of workers. Many complaints are being received in regard to the methods used in getting signatures to the new petition. Manitoba, more especially Winnipeg, is the storm centre on this continent of the movement in favour of the sale of liquor for drinking. Suc-

cess here would be reckoned the most significant conquest that could be achieved, and even more significant than the temporary breakdown of the temperance movement in British Columbia two years ago."

A campaign of agitation is being carried on against the present Act and against those responsible for its enforcement. A number of the Presbyteries of the Presbyterian Church in the Province passed resolutions similar to the following resolution passed by the Presbytery of Winnipeg:

"The Presbytery of Winnipeg expresses its satisfaction that notwithstanding the efforts to discredit the Manitoba Temperance Act by circulating exaggerated reports of infractions, the law prohibiting the importation of liquor into the Province of Manitoba, which has been in force for one year, has resulted in great good to the Province, as shown by the decrease in the number of convictions for drunkenness of fifty-three per cent. in 1921 as compared with 1920.

The Presbytery would warn all members and adherents against the propaganda of those who for their own interests are endeavouring to undermine public confidence in the law and in those responsible for its administration.

Since the whole fabric of our civilization rests upon the realization of the sanctity of law, the Presbytery call upon all citizens to respect the laws of the land so long as they remain upon the statute book.

The Presbytery further expresses its confidence in the integrity of those responsible for the administration of the Manitoba Temperance Act and pledges its support to the most vigorous enforcement of this law."

It seems clear that a referendum on the Liquor question will take place in Manitoba before long.\* It is desirable that when the vote is taken the issue shall be clearly defined. The issue at stake is the sale of alcoholic liquors for beverage use. The Manitoba Temperance Act which has made a distinct contribution to the sobriety of the Province does not permit such sales for such use. The Moderation League has now a new Bill called The Government Liquor Control Act. The fight will be between these two measures. The citizens of Manitoba will have to make their decision in the near future.

Whatever may be the verdict at the next vote some things have been gained and some problems have been settled. The bars are gone and no one advocates their return. Inter-Provincial trading in liquor has been abolished. The abuses on the part of doctors and druggists growing out of the permitted sale of liquor have been reduced to a minimum. Illicit importation, chiefly from Saskatchewan, is tapering off. Illicit stills are on the wane in Manitoba. The outstanding question is: Shall the Government of Manitoba sell liquor for beverage use?

In Pamphlet No. 7, entitled "Manitoba Liquor Laws and Why We Have Them," the Social Service Council of Manitoba summed up the present situation as follows:—

---

\*Since this was written Premier Bracken has announced that an opportunity will be given to vote on the question of Prohibition.

“(1) Liquor may be legally used in Manitoba only for sacramental, medicinal, scientific and mechanical purposes.

(2) No one may legally bring liquor into Manitoba or keep it for wholesale purposes, except the Provincial Vendor.

(3) Liquor may be sold for medicinal purposes only by licensed druggists, and then only on doctors' prescriptions not exceeding twelve ounces in amount.”

The Council stated the methods by which progress had been made:

(a) By education of Public Opinion.

(b) By the expression of Public Opinion in Legislation.

(c) By lining up Public Opinion behind Law Enforcement.

(d) By learning the lessons of Experience.

The Council also enunciated its own policy in respect to the liquor traffic in the following language:

(1) It advocates the continuance of the present Provincial legislation which permits liquor to be supplied for sacramental, medicinal, scientific and mechanical purposes.

(2) It favours absolute ownership by the Provincial government of the supply of liquor for permitted purposes.

(3) It holds that amendments should be made to existing legislation only after the test of experience has been applied to it and the need of amendments has been demonstrated.

(4) It is strongly opposed to use of the liquor trade or the advertising of it as a means of supplying public revenue.

(5) It believes that the liquor needed for the permitted purposes should be supplied at a minimum price that will cover the original cost of the liquor and the expenses involved in supplying it.

(6) It contends that any effort to stimulate an undue demand for liquor for public profit is economically unsound and would result in economic loss and social waste far greater than can be compensated by dollars in the Provincial treasury.

“According to the Council the main issue in respect to the liquor legislation is raised in the following question:

“Will any increase in the beverage use of liquor add to the prosperity, happiness and general good of the men, women and children of the Province of Manitoba?”

## CHAPTER VII.

### THE USE AND REGULATION OF LIQUOR IN THE TERRITORIES TO THE FORMATION OF THE PROVINCES.

"A country of vast extent, which is possessed of abundant resources, is entrusted to your keeping; a country, which though at present but sparsely settled, is destined, I believe, to become the home of thousands of persons, by whose industry and energy that which is now almost a wilderness will be quickly transformed into a fruitful land where civilization and the arts of peace will flourish."

These words of the Hon. Alexander Morris, contained in his first address to the Council of the North-West Territories, might be taken as the watchword of the hopes and endeavours of the men who have made the West. United with an earnest striving has been a profound conviction that on these plains new homes could be established. There was, however, not much to inspire the hope when the Dominion took over the central prairies from the Company. The few white homes that existed were confined to the rivers, Saskatchewan on the north, and Qu'Appelle on the south. And these were associated with the work of the Indian Missions. In transportation the canoe and Red River cart reigned supreme except for the competition of the buckboard and the saddle. The white men were still much less numerous than the red men, and these in turn were greatly outnumbered by the lordly buffalo of the plains.



It was the land of the trader and the hunter. Only along the Saskatchewan and the Qu'Appelle were signs that a great revolution was at hand. And in the new order that lay ahead the rancher and the farmer were to come, first from Ontario and the East, then from the ends of the earth. In their coming the Canadian Pacific Railway was destined to play, for many years without competition, the most conspicuous role.

From the outset the settler was assured of three fundamental advantages, security for himself, education for his children, and the presence of the missionary. That he enjoyed the first in spite of a considerable native population, which in the early seventies, especially in the south-western portion of the Territories, was often none too tractable, was due above all to the North-West Mounted Police. The Half-Breed uprising was, apart from the whiskey troubles of the early Seventies, the only serious interruption to good order in the history of the Territories, and for that the blame lay in no small degree elsewhere than in the West. There was no "Wild West" on the Canadian prairies, at any rate not after the Police suppressed the illicit liquor traffic in the Whoop-Up country.

As we have seen, the Hudson's Bay Company, in order to meet the competition of the American trade in furs, had felt itself forced to resort to the barter of liquor for furs in the country south of the Saskatchewan. There was already, then, before the transfer to Canada, a limited liquor traffic in what became the North-West Territories. We have evidence of this in connection with the beginnings of mission work at Qu'Appelle. Following in the footsteps of a catechist, Charles Pratt, in 1858 a regular missionary

had arrived in the person of Rev. James Settee, a native of Swampy Cree origin. A part of his duties was to teach the Indians, especially the children, to cultivate the soil. When the Crees of the Sandy Hills learned that the Bishop had sent a missionary, they sent to make enquiry "whether the great praying father had sent plenty of rum; if so, they would soon become followers of the white man's good Manitou." The reply was far from satisfactory:—No rum had been sent, and the great praying father even wished them to give up their habit of asking for rum in exchange for their pemmican and buffalo hides. The Indians ordered the messengers to return with the answer:—"If the great praying father did not intend to send any rum, the sooner he took his praying man away from the Qu'Appelle Lakes, the better for him." But Mr. Settee remained, and besides preaching in Ojibway and singing in Cree and baptizing converts, he found time not only to impart the elements of agriculture to the few who would learn, but also in his own garden to grow Indian corn, potatoes, turnips, beans and other culinary vegetables.

The fourth item in the Instructions issued by the Secretary of State to Lieutenant-Governor, Hon. A. G. Archibald, related to liquor:

"You will have the goodness to report also on the system of Taxation (if any) now in force in the Territories, the system of licensing shops, taverns, etc., the mode of regulating or prohibiting the Sale of Wine, Spirituous and Malt Liquors, etc."

Early in the autumn of 1870 small-pox was raging in the region of the Saskatchewan. The Lieutenant-

Governor in the emergency, without an accurate knowledge of the terms of his commission, appointed a Council of Three. They immediately proceeded to legislate. They passed, according to the Lieutenant-Governor, "some very stringent ordinances on the subject of small-pox and spirituous liquors." "We immediately despatched these laws to the West and appointed an officer or two just beyond the border to carry them into effect." The appointment of the Council of Three was found to be ultra vires. The legislation to prevent the sale of spirituous liquors in the North-West Territories was re-enacted by the Council of the Territories on March 8th, 1873. On that date, in addressing his Council, Lieutenant-Governor Morris stated;—"Means must be devised for the proper administration of justice, the prevention of trade in liquors, and the vigorous assertion of the law in all cases of crime and disorder." Then followed the first piece of formal legislation by a regularly constituted governing body for the North-West Territories. It had reference to the liquor traffic,—a prohibitory measure.

"Moved by Honorable M. A. Girard,  
Seconded by Honorable D. A. Smith, and Resolved,

That an Act passed by the Lieutenant-Governor and Council of Rupert's Land on the 22nd of October, 1870; for the prevention of the sale of spirituous liquors in the North-West Territories, be re-enacted and it now be read the first time."

Donald A. Smith by what was known as the Smith Act had forbidden the importation of intoxicating

liquors into the Company's territories. The reference here was, then, to the Smith Act. One of the immediate causes of this legislation was the report of Captain W. F. Butler. He had been sent as a scout or commissioner of the Dominion Government to report on the condition of the Territories, to decide whether troops were necessary, to ascertain the ravages of small-pox, to enforce the liquor law and in general to report on the natives. Two direct results of his mission were the founding of the North-West Mounted Police and the drawing attention to the necessity of liquor regulation. The Act for the Prohibition of the Sale of Liquors, as amended and passed on March 10th, 1873, was as follows:—

“Whereas the giving, selling, or bartering to Indians of spirituous liquors is subversive of public order and dangerous to the public peace and the use or sale of such liquor in the North-West Territories is detrimental not only to the Indian population but to the other residents therein;

Be it therefore enacted by the Lieutenant-Governor of the North-West Territories, by and with the advice of the Council of the said Territories as follows:

1st.—The importation by any person or persons whatsoever into any portion of the North-West Territories not being within the Province of Manitoba, of any rum, whiskey or other spirituous liquor whatever is prohibited; and any person who shall take, carry, send, bring or import or have in his possession at any place within the said Territories, any such

liquor as aforesaid, shall forfeit and pay a fine not exceeding 100 pounds and such liquor shall be confiscated, spilled on the ground and destroyed by the officer or person seizing the same.

2nd.—It shall be lawful for any Justice of the Peace, Quarantine or Peace Officer, Constable, or other person, with or without warrant and without any form of seizure to take, confiscate and destroy all and any such spirituous liquors found or being within the Territories aforesaid.

3rd.—All fines imposed by this Act shall be recoverable before one Justice of the Peace upon complaint, either oral or in writing, upon the oath of one credible witness, and one-half of the penalty imposed shall belong to the complainant, and one-half to the Government.

4th.—Provided always that nothing in this Act shall be held to extend to any liquors on the way by sea or land into Manitoba, or other Provinces of the Dominion, through the said North-West Territories.

5th.—Provided always that wine for Sacramental purposes may be introduced into the Territories on a permit from the Lieutenant-Governor in favour of any Priest, Minister, (or Missionary in charge of a recognized Missionary station), or of the Bishop or other Ecclesiastical authority, and shall not be liable to seizure, and any such wine introduced for such purposes shall, if seized, be released on proof that the same was



bona fide brought in for such purposes as aforesaid.

6th.—All other enactments inconsistent with the Statute are hereby repealed, except as to any proceedings now pending thereunder."

As was seen from Lieutenant Butler's report, whiskey traders had penetrated the southern and western portions of the Territories and were making their baneful influence felt among the tribes of those regions. They had palisaded posts in the Blackfoot country, to which they gave such names as "Whoop Up," "Slide Out," "Stand Off." The Indians came to these posts to secure "fire-water," and, when madened with drink, settled old scores and feuds by shooting and butchering one another. At a later time an Indian Chief, speaking of those days when the Blackfeet were robbed and ruined by the whiskey trader, said: "Before you came the Indian crept along, now he is not afraid to walk erect." Colonel Steele writes:

"One of the principal posts of the traders in that region was Fort Hamilton, commonly known as 'Whoop Up,' situated at the forks of the Belly and St. Mary's Rivers. There were two walls, about a dozen feet apart, built of heavy squared logs, braced across by heavy log partitions about the same distance from one another, dividing it into rooms, which were used as dwellings, blacksmiths' shops, stores, etc., the doors and windows opening into the square. There were bastions at the corners, and the walls were loop-holed for musketry. Iron bars were placed across the

chimneys to prevent the Indians from getting in that way. There were heavy log roofs across the partitions, and a strong gate of oak, with a small opening to trade through. All other posts merely had palisades, but they were strong enough for the purpose. The trader stood at the wicket, a tubful of whiskey beside him, and when an Indian pushed in a buffalo robe to him through the hole in the wall he handed out a tin cupful of the poisonous decoction. A quart of the stuff bought a fine pony. When spring came, wagonloads of the proceeds of the traffic were escorted to Fort Benton, Montana, some 200 odd miles south of the border line.

There were a few legitimate American traders in the country who traded to the Indians Winchester repeating rifles and ammunition, which enabled them to hunt the buffalo with success, and thus increased the quantity of robes to be traded. The whiskey-traders objected, and to put a stop to it organized a body of men styled 'The Spitsee Cavalry,' after the river of that name, now the well-known High River, Alberta. Spitsee means tall timber, and, consequently, High Wood was the name by which we knew it at first. These people ran some of the legitimate traders out of the country in spite of their protests.

In 1872 a party of men, most of whom had taken part in the great Civil War in the South, came from Fort Benton, Montana, to

the Cypress Hills, about 40 miles north of the border, near where Fort Walsh was afterwards built. These men traded large quantities of whiskey to a band of Assiniboine Indians who were encamped along the creek on a flat piece of prairie, now known as 'The Massacre Ground.' When night came these fiends in human shape decided to 'clean out' the Indian camp, and accordingly proceeded to a cut bank on the south side of the creek. Here they could stand on the gravel, breast high, rest their Winchesters on the top and fire from good cover. The Indians were in the midst of their orgy, every lodge lighted up so that a good view of each could be had. Fire was then opened, with the result that over 30 of the Indians were killed, many wounded, and the rest, not knowing where their assailants were, took to the hills for refuge."

One of the Pioneers on Western trails in the early Seventies was John McDougall, "Parson John." He has indicated the need that existed for liquor control. Missionaries were defined as "men who would neither drink nor trade in whiskey." In 1873 McDougall found all the men occupying Fort Kipp more or less under the stimulus of alcohol. He spent the early months of 1874 in the Bow River Valley:

"Within one day's journey from our fort several whiskey mills were vigorously at work, demoralizing and decimating the plains tribes, and this continued right through to the boundary line. Scores of thousands of buffalo



robes and hundreds of thousands of wolf and fox skins and most of the best horses the Indians had were taken south into Montana, and the chief article of barter for these was alcohol. In this traffic, very many Indians were killed, and also quite a number of white men. Within a few miles of us, that winter of 1873-4, forty-two able-bodied men were the victims among themselves, all slain in the drunken rows. These were Blackfeet. Just a little south of us the Spanish cook was killed by Dutch Fred, who also was my friend. There was no law but might. Some terrible scenes occurred when whole camps went on the spree, as was frequently the case, shooting, stabbing, killing, freezing, dying."

Representations were made to the Government and to the Hudson's Bay Company. The Christian Stoneys nobly resisted the "blandishments of the whiskey men." McDougall mentions the Conrad establishment on the Sheep Creek,— "This was the only post that did not traffic in whiskey; but alongside of this were several of the other sort." The missionary was greatly encouraged by an incident of which Chief Cheneka of the Stoneys told him. Some of their young men had gone to trade ammunition and tobacco, and the traders had offered them firewater. They refused: "Our missionary, John, told us not to touch it, and we like him and want to listen to what he says." The traders replied: "That is the way with John; he likes it, and drinks it himself, but he does not want you to have it. He is afraid of you if you drink too much. Why, he was here this winter, and got wild drunk

himself, and we had to put him to bed. What is good for John should be good for you." When "Parson John" was able to prove an alibi, the chief was greatly reassured.

In his travels McDougall came to the Whoop-Up country near where Lethbridge now stands. He states that most of the few white men who were then in that district did not even acknowledge the divine government. One day he found himself approaching what he calls a "whiskey fortress." He dismounted to secure a boat to cross the river. A stranger well on in liquor suddenly appeared, took him by the arm "and jerked me along to an open door across the square of the fort, and, almost before I knew it, we were standing together up against the counter of the bar. This counter was made of two huge cottonwood logs, the one on top of the other, and the upper side of the topmost log faced smooth. One might pound on such a counter with tremendous emphasis, and there would not be the slightest jar. My new friend immediately called for the drinks, and, while I protested I was not dry, still he cursed me and ordered the stuff. The bartender put two tin pans, all battered and rusted, on the log, and proceeded to pour some liquor into them. I thanked my friend, and refused his drink; whereat he cursed me up and down, and presently compromised by drinking both his and my shares, which seemed to put a quietus on him."

McDougall was selected by the Dominion Government to inform the Indians of the coming of the Mounted Police. The purpose of their coming he puts in these words: "Tribal war was to be suppressed, and the whiskey trading and horse stealing and all crimes

were to be done away with." After he had exalted British Justice and made much of the equality of men in the eyes of the law, Crowfoot took his hand and placed it on his heart and said:

"My brother, your words make me glad. I listened to them not only with my ears, but with my heart also. In the coming of the Long Knives, with their firewater and their quick-shooting guns, we are weak, and our people have been woefully slain and impoverished. You say this will be stopped. We are glad to have it stopped. We want peace. What you tell us about this strong power, which will govern with good law and treat the Indian the same as the white man, makes us glad to hear. My brother, I believe you, and am thankful."

Old Sun and all the rest gave assent to what Crowfoot had spoken.

Whiskey traders flourished before the coming of the North-West Mounted Police. The coming of the Police was in the nature of a measure to control illicit liquor traffic, to stop inter-tribal warfare and to promote law and order.

Meanwhile the North-West Council was alive to the situation. When the Dominion Government brought forward an Act to make further provision as to the duties of Customs in Manitoba and the North-West Territories and therein prohibited the importation of spirits into the North-West, the North-West Council viewed the legislation with satisfaction, but at the same time pointed out that according to the provisions of that Act, "spirits or strong waters, etc., in

the North-West can be seized and confiscated by Constables or Officers of the Law only, and in view of the absence of such Officers, and of the disastrous results likely to ensue from the sale of liquor to the Indians, they desire to suggest that the Act be amended in accordance with the Act passed by the North-West Council at their last Session and give authority to any person to confiscate, spill on the ground, and destroy, any liquor brought into the Territories in contravention of the Law."

On September 11th, 1874, the new police force (after a ride of nearly 800 miles), arrived at what is now Lethbridge. Assistant-Commissioner Macleod proceeded to the Belly River in the vicinity of Fort Whoop Up.\* There in the heart of the Blackfoot country he established his headquarters. His aim was to protect the Indians, restrain all lawlessness, and repress the illicit liquor traffic of the Americans. He built Fort Macleod on Old Man River. From these headquarters he policed the country so effectively that he practically stamped out the whiskey trade in a year's time, and put an end forever to the riots, murders, robberies and lawlessness that had disgraced the country.

On March 14th, 1874, the North-West Council, on the report of its Committee on the Liquor Law, resolved to ask the Dominion Government to amend the Customs Act so that any officer, or non-commissioned officer of the Dominion Police, or any policeman acting under their orders, might, upon reasonable ground of suspicion, have the right to search any house, waggon, cart, tent, boat, canoe, or any other building, vehicle,

---

\*Black's Saskatchewan and the Old North West, p. 577, has a picture of Fort Whoop Up in 1874.

or place, in which they believed spirits, strong waters or spirituous liquors to be concealed or stored; and also that, if it be established that any one had had in his possession, or had sold or bartered or given away any spirits, strong waters, or spirituous liquors of any kind in the North-West Territories, without a special permission from the Lieutenant-Governor, he should be liable to be punished therefor, although nothing might actually be found in his possession. The Council also recommended that 25 Dominion Policemen should be sent to Fort Ellice, and 50 to Fort Qu'Appelle, immediately, to prevent the introduction of liquor into the North-West Territories, and to watch all roads leading westward.

In the previous year some whiskey traders from the United States had massacred some Assiniboine Indians. They were later arrested in Montana by Major Irvine, and brought to trial before the authorities at Fort Benton. But in 1874 the situation in the Belly and Bow River Districts was so serious that a confidential Minute of Council was adopted for sending a sufficient force there to repress the trade in liquor by the American traders and outlaws. Begg declares that these outlaws had so increased in strength and audacity that they had established no less than ten forts at different points on the St. Mary, Belly, Bow and Red Deer Rivers. Here the Indians traded buffalo robes for whiskey, and the most disgraceful scenes were enacted.

What was the effect of the measures for liquor control upon the Indians, especially upon those Indians of the foot-hills, whom the American free-traders had well nigh debauched with their whiskey traffic? The Rev. Father Scollen made a report on the situation to Lieutenant-Governor Laird in 1876:

"First, about ten years ago the Americans crossed the line and established themselves on Belly River, where they carried on to an extraordinary extent the illicit traffic in intoxicating liquor to the Blackfeet. The 'fire-water' flowed as freely, if I may use the metaphor, as the streams running from the Rocky Mountains, and hundreds of the poor Indians fell victims to the white man's craving for money,—some poisoned, some frozen to death while in a state of intoxication, and many shot down by United States bullets.

Second, then in 1870 came that disease so fatal to Indians, the small-pox, which told upon the Blackfeet with terrible effect, destroying between six and eight hundred of them. Surviving relatives went more for the use of alcohol, they endeavoured to drown their grief in the poisonous beverage. They sold their robes and horses by the hundred for it, and then began killing one another, so that in a short time they were divided into small parties, afraid to meet.

Fortunately for them the Government were aware of the state of affairs in the country and did not remain indifferent to it. In the summer of 1874 I was travelling amongst the Blackfeet. It was painful to me to see the state of poverty to which they had been reduced. Formerly they had been the most opulent Indians in the country, now they were clothed in rags, without horses and without guns. But this was the year of their sal-

vation. That very summer the Mounted Police were struggling against the difficulties of a long journey across the plains to bring them help. The noble corps reached their destination that same fall, and with magic effect put an entire stop to the adominable traffic of whiskey with the Indians. Since that time the Blackfeet Indians are becoming more prosperous. They are now well clothed and well furnished with guns and horses. During the last two years I have calculated that they have bought 2,000 horses to replace those they had given for whiskey."

The charter of separate political existence for the North-West Territories is a Dominion Act assented to on April 8th, 1875, "An Act to amend and consolidate the Laws respecting the North-West Territories," or "The North-West Territories Act, 1875." Section 74 is entitled "The Prohibition of Intoxicants," and states in part:

"Intoxicating liquors and other intoxicants are prohibited to be manufactured or made in the said North-West Territory, except by special permission of the Governor-in-Council, or to be imported or brought into the same from any Province of Canada, or elsewhere, or to be sold, exchanged, traded or bartered, except by special permission in writing of the Lieutenant-Governor of the said Territories."

A prohibitory measure was an integral part of the initial legislation governing the Territories. In addi-

tion to this Act the Territories were under the "Indian Act," which was applicable to the whole Dominion, and was severe and far-reaching in its operation.

The presence of the North-West Mounted Police, the establishment of a more settled government, the increase in the number of missionaries, the coming of a white population tended to reduce the Indian disorders due to drink. In the early files of the Saskatchewan Herald which began August 25th, 1878, is but little reference to liquor troubles. On November 18th, 1878, James B. Mahoney was put on trial for selling the essence of Jamaica Ginger,\* and was fined \$50.00. An editorial pointed out that licenses were required to sell pain-killer and kindred preparations. In September, 1880, an association under the name of "The Saskatchewan Total Abstinence Association" was formed at St. Mary's school house, Prince Albert. An address was delivered on the occasion by His Lordship, the Bishop of Saskatchewan. The pledge of total abstinence was signed at the conclusion of the address by the Bishop, the Revs. J. McKay, J. Settee, E. Matheson, and Thomas Clarke and a number of laity.

The system of liquor control then in vogue in the Territories was known as the Permit System. By 1880 it became the subject of sharp debate that extended even to Eastern Canada and was participated in by members on the floor of the House of Commons. Some alleged the practice of great excesses. Others asserted that it had operated to repress the liquor traffic. In the Territories themselves opinion was divided. The great majority, however, was opposed to the free in-

\*"Pink-Eye," "Campbell's Tonic Elixir" and "Blood Bitters" were names of favourite potations.



roduction and sale of liquor. Some under cover of recommending the substitution of the Scott Act were working for the free importation of intoxicants. The question of permits came up in the House of Commons on March 11th, 1881, when the item for the maintenance of the Mounted Police was considered. Mr. Edward Blake had heard that in spite of stringent regulations there was considerable drinking at some of the posts. Sir John A. Macdonald declared:

"As regards the habits of the men, I think, on the whole, they are in a very fair state, but there is still a good deal of drinking. Some of the force is stationed on the frontier, and there has been, I am afraid, a laxity in granting permits. Besides, there has been no care taken to number the permits, and I have reason to believe also, that there has been a great use of that noxious alcoholic drink, Perry Davis' Pain Killer. . . . We propose to have the permits numbered and limited."

~~During the year 1880 there were but 600 permits granted for all the Territories, each averaging two gallons of liquors. No permits were granted to officers or men on the Police Force, or to employees of the Department of Indian Affairs or to persons engaged on Indian Reserves. It was found that there was still some smuggling of liquor in small quantities, but on the whole the system of permits had secured a fair measure of control.~~

It is interesting to note the verdict of the Territorial papers regarding the Permit System of controlling liquor. The "Saskatchewan Herald" declared:

"There is no more important law on the statute book, nor one that has done so much for the North-West Territories; and notwithstanding the persistent demands of some for free liquor, the majority of people in the Territories are against it. Those who remember the turbulent times of ten years ago and contrast them with the peace and prosperity that now prevail, and the present freedom from great crimes unhesitatingly attribute the change to the operation of the restrictive act; and if it were submitted to a vote as to whether permits should be continued, the Scott Act introduced, or free trade permitted, it would be largely in favour of the permits, unless a still more prohibitory law were provided."

The "Edmonton Bulletin" stated:

"There is no doubt that the prohibitory law as administered up to the present has been a great success. In no country in the world did whiskey form a greater portion of the whole trade; in no country were the evil effects resulting from that trade greater; in no country were there more powerful interests or stronger prejudices united in its support; and in no country could the enforcing of the law be attended with greater difficulty than in this region of illimitable distances and sparse population. The state of the country only a few years ago, when the whiskey trade was in full blast, was so deplorable, so utterly different from its present condition as to almost

pass belief. Whiskey was the great staple article of trade both of the Hudson's Bay Company and the free traders in this district, and the horses and fur of the Indians and the gold of the miners went to purchase it. A man's life was worth a horse, and a horse was worth a pint of whiskey. Tales are told of strange scenes around Edmonton where all is so quiet now,—of bands of Blackfeet a thousand strong, with countless buffalo robes and hundreds of horses, howling drunk, crowding around a hole in the fort wall, where whiskey was handed out and the robes were taken in, and would not leave until the last robe was traded; of horses being bought for whiskey by men in the bastions, standing beside loaded cannon, from Indians outside, and bullets now in the bastion walls hint of strong reasons for trade being conducted that way; of men shot, scalped, disembowelled and cut to pieces in drunken rows within a hundred yards of the wall; of murders and massacres of men, women and children, with the most revolting details, in full view of the people of the fort.

But the Indians were not the only class affected. Although more gold was taken out of the river than now, although the population was nearly as large, and the inducements to settle better than at present, not a furrow was turned, a grain sown, or a house built in this settlement. Everything was at a standstill. Life and property were insecure. A few were making money, but the great majority

were living from hand to mouth, and some were leaving the country as fast as others were coming in. When the whiskey traders from the States came into the Belly River country a great part of that trade was taken from this place, and a part of the attendant lawlessness was taken also, and when the Company finally stopped selling liquor here, affairs began to improve. A few farms were taken up and people began to think of making their homes here, but it was not until the arrival of the Police, and the total prohibition of liquor, that the country began to go ahead. Now there is not a more prosperous settlement in the Dominion than Edmonton, and in no part of the world are life and property safer than in the North-West, and nowhere is there less lawbreaking in proportion to the population."

The Mounted Police rendered invaluable service in the matter of liquor control. Especially in the neighbourhood of Fort Macleod were they active. On July 1st, 1881, one of the Blood Indian chiefs rode in from his reserve, twenty-eight miles from the fort, and reported that a number of his Indians were drunk. Major Crozier at once sent a sergeant and some men to the reservation. They found twenty gallons of alcohol hidden in a bush close by. This belonged to two Canadians who had brought in a number of mules and horses without paying duty. The men were fined one hundred dollars each and their outfits confiscated by Major Crozier.

In the early Eighties a Temperance Colonization Society was formed to settle the district where the City of Saskatoon now stands. The Society had by-laws to exclude liquor. An excellent class of settlers came in. The Territorial papers of the day expressed the view that the prohibitory clauses of the North-West Territories Act were likely to prove as effective as any by-law the Society might pass.

In 1882 new regulations were adopted to govern permits for the introduction of intoxicants into the Territories. No person might introduce more than two gallons, and in each case the kind of liquor must be specified. A permit could be used only once. It had to be cancelled by the Police on presentation, whether the whole or only a portion of the quantity specified on the permit had been brought into the Territories. No second permit could be issued till the time indicated in the first permit had expired. Permits for alcohol might be issued to none except medical men, and only in quantities not exceeding two gallons. No officer of the Indian Department could secure a permit except with the permission of the Commissioner. No liquor might be kept on Reserves or Indian farms. Every three months the police were required to make returns to the Lieutenant-Governor to show the number of permits and the quantity of liquor entered.

In the Province of Manitoba the License law prevailed. In the Territories the Permit System was in vogue. There was not a little discussion as to the merits of the respective methods of control. "The Winnipeg Times," a newspaper now defunct, championed the plan that was adopted in Manitoba. But the Territorial papers were equally convinced as to the

superiority of the policy that was followed in the Territories. We reproduce herewith a debate that took place in the early autumn of 1882. "The Winnipeg Times" stated:

"In a recent issue we had occasion to say that Prohibition is a dead failure in Keewatin. The same result has attended it in the North-West Territories. It is true that there are no saloons open in the centres of settlement, but whiskey finds its way there, and is drunk as freely, if not more so, than in Manitoba, where a license law prevails. There is little or no difficulty in a white man obtaining a permit, and where permits are refused he need not go without liquor if he choose to patronize the illicit distiller or the contraband trader. The Canadian Pacific Railway is now running through the Territories, and yet the men engaged in its construction can procure all the whiskey they want in the canvas hotels and dance houses which accompany them across the continent. It is a popular fiction that the North-West Mounted Police never obtain any liquor, but there are men on the force who will find ways and means to get a drink if there is liquor within two thousand miles of them. When the Press excursion was at the front there was evidence enough that abstinence had not killed the appetite of the Police, one of whom offered ten dollars for a bottle of brandy. Liquor is shipped every day of the week from Winnipeg for parts wherein Prohibition is presumed to prevail. There are

men in this city who make a regular business of packing up hard stuff in such a way that even if the authorities do make an examination of the consignment, there is little danger of their detecting the contraband stuff. The Act is evaded by the people simply because they think it unjust. The effect of the Act, therefore, is nothing more or less than to develop hypocrisy without sensibly diminishing the predilection for liquor."

To this the Saskatchewan Herald made reply on October 14th, 1882, in an editorial that protested against a policy of granting licenses for the Territories:

"The Times may be right as to its estimate of the state of things respecting liquor in Keewatin and along the line of railway, but it is altogether astray as to the older settlements in the Territories, for public drinking and the sale of liquor are wholly unknown. We do not know what The Times calls difficulty in the way of obtaining permits, but the general complaint amongst those who indulge in the luxury of permits is that the regulations governing their issue are too severe, especially as regards quantity, and the disappointed ones have just to be content with what they get, for, notwithstanding the insinuation of The Times, there are neither illicit distillers nor contraband traders to patronize. If the condition of affairs on the line of railway is as bad as stated, the fault lies with the officers of the law and not with the law itself. There will, of course, be more difficulty in dealing

with the liquor traffic along the railway than in the settlements, but the preventive force assigned to the duty of looking after it, will, no doubt, now that the matter has been brought under notice, prove equal to the occasion. The story of the determination of some of the police to obtain liquor at any cost is only a figure of speech put in to lighten up the paragraph and to show that the force is not altogether composed of angels; for the one instance given of anxiety to get liquor by offering ten dollars a bottle for it is proof that it is not so freely sold or so easily obtained in a contraband way as The Times would have us believe. If liquor were easily obtainable it would not be necessary to offer—and that unsuccessfully—ten dollars a bottle for it.

There is no doubt that the rapid peopling of the country, especially along the lines of railway, will lead to a complete change in the law respecting the introduction of intoxicants into the Territories. The law was not intended exclusively to control white men in what or when they should drink, or permits would not have been granted. It was designed for the suppression of the traffic among the Indians, and in that it was thoroughly successful. Those who remember the debasing influence its sale had upon them, their poverty and misery in the midst of plenty, and the bloody scenes that were enacted when they met at the camp of the whiskey trader, are unanimous in praising the Prohibitory Act



and giving credit for the good work it effected. There is no greater reason for annulling this law because of its infraction in a few cases than for repealing any other statute that is sometimes violated.

Whatever change may be decided on in dealing with the liquor question and in permitting men to bring it in for their own use, we speak the almost universal sentiment when we protest against licenses being granted for its sale throughout the Territories. With its sale the chances of keeping it from the Indians would be much decreased; while to let it get amongst them would be to neutralize the good now being done amongst them at so great a cost to the country, and to lead to the enactment of crimes such as blacken the pages of the history of this country during the reign of the whiskey traders."

That the situation, especially in the district about Fort Macleod, was not entirely satisfactory we know from a letter which Superintendent Crozier on August 11th, 1883, addressed from that place to the Lieutenant-Governor, Hon. Edgar Dewdney, asking for the enactment of an Ordinance to make drunkenness in the streets and other public places punishable by fine or imprisonment. As the law stood there was no way of punishing such an offence "so that really though this is considered a country from which liquor is prohibited, yet at times there is more drunkenness in a settlement than is ever seen in another country. The Permit System of course accounts for this anomalous condition of affairs, but if persons, who abuse the

privilege of being permitted to bring liquor into the country by getting drunk or getting others drunk, could be summarily punished as persons are punished in every other community there could be a very great check upon those who invariably become intoxicated when any 'Permit Liquor' arrives."\* Superintendent Crozier suggested that the Council frame an Ordinance after the pattern of the by-laws to prevent drunkenness in the cities of Toronto or Winnipeg. The Council in turn suggested that such cases be dealt with under the Vagrancy Act.

On August 28th, 1883, a petition was presented to the Council from residents of Regina and the surrounding district asking that the Council memorialize the Dominion Government that permission be granted to Henry Lejeune and James Brown of Regina to manufacture and sell ales and porter within the Territories. This was the first request of this character ever to come to the Government of the Territories. It was the subject of prolonged debate. A counter petition from the Rev. Alex. Urquhart and others was presented. Frank Oliver opposed the prayer of the petition in the Council. The request was finally granted by a vote of 6-4. A resolution was passed that the Dominion Government be asked to permit licenses to be issued for the manufacture of ale and beer in the Territories on recommendation of the Lieutenant-Governor-in-Council. The date of this resolution was September

---

\*The writer has been informed of an incident that occurred in Medicine Hat. A well-known judge with bibulous habits was holding court at that centre. The case was proceeding smoothly when a man entered and handed a note to the constable who took it to the Judge. He read it, then said,—“This Court stands adjourned till Monday.” Some one later found the note. It contained merely these words,—“A permit has just come in.”

26th, 1883. It was the first step towards a license system.

For the first time a fee was imposed for liquor permits in 1883. It did not operate to lessen the number of applications to any appreciable extent. Lieutenant-Governor Dewdney told the Council in the following year that he believed that very little abuse was being made of the liquor imported on permits. He stated:

"I am sorry to say that a large amount of liquor is being constantly smuggled into the country in the face of every exertion made by myself in conjunction with the North-West Mounted Police to prevent it, and I am informed the inducements are so great and the profits so large that illicit stills are now in operation in several parts of the Territories."

In 1883 there were taken into the Territories under Permit 6,736½ gallons. This increased to 20,000 in 1886; 21,000 in 1887; 56,000 in 1888; 153,670½ in 1890. There was a remarkable advance in 1889 when the sale of 4 per cent. beer was allowed in the Territories. This gave a great impetus to the brewing business of Winnipeg. The Lieutenant-Governor was of the opinion that the establishment of breweries in the Territories would be the means of putting a stop to smuggling and would close up illicit distilling. As much of the liquor imported was used otherwise than for medicinal purposes, it was suggested that only permits for purely medicinal purposes be granted, and to thoroughly reliable professional men, to be dispensed in small quantities only. The Lieutenant-Governor, however, was persuaded that the only result would be to increase ma-

terially the business of a few medical men in the country and to give a further stimulus to smuggling and illicit distilling. In this session of 1884 the growing influence of the people began to make itself felt. The number of elected representatives was greater than ever before. And their views were more openly it was moved by Frank Oliver and seconded by J. G. expressed. Thus in the reply to His Honour's Address Turriff,—

“That this Council regrets that it cannot agree with His Honour—that very little abuse has been made of liquor permits granted in the Territories, and considers that this abuse has been so great as to prejudice the present prohibitory law in the minds of many of the inhabitants to such an extent as to imperatively call for a closer control by the authorities of all permits granted; and further, that this Council cannot agree with Your Honour that the establishment of breweries would have the effect of stopping smuggling or illicit distilling to any extent, but rather that by giving the opportunity to the young of acquiring the appetite for alcoholic liquors it would cause an increase of smuggling, illicit distilling and drunkenness.”

It is true that only Oliver and Turriff voted for this resolution while eleven other members of the Council concurred in His Honour's speech. But there was a growing demand for more popular control of all government. The Methodist Conference presented a petition on the subject of the manufacture of beer in the Territories. Although the petition has now dis-

appeared we can well believe that it was not in favour of establishing breweries. This matter of the breweries was frequently discussed during the session of 1884. It was felt by some that their establishment would mean that some of the surplus barley of the country might be utilized, and money kept in circulation in the country that was being annually sent out for liquor. In this same session a petition was presented by Robert Scott Smith of Fort Qu'Apeplle asking for a license for the manufacture of beer, ale and porter. No action was taken on this petition.

The money derived from liquor permits served as the basis of an independent revenue for the Council. The receipts for the period September, 1883—June, 1884, were:—

September, 1883	.....\$	88.50
October,       “	.....	271.50
November,     “	.....	223.00
December,     “	.....	182.75
January,     1884	.....	252.00
February,     “	.....	180.00
March,       “	.....	293.00
April,       “	.....	233.50
May,         “	.....	280.00
June,         “	.....	271.00
		<hr/>
		\$2,275.75

The disposition of the penalties inflicted in connection with the violation of the law prohibiting the introduction of intoxicants into the Territories except by permission of the Lieutenant-Governor became a matter of discussion in the Council by 1886. These

were paid into the Dominion Exchequer. While there were frequent prosecutions for violating the law, and numerous convictions, the prosecutions were almost invariably brought by the North-West Mounted Police. It was notorious that there were evasions of the law not reached by the Police, and which it was desirable to prevent. It was felt by the Council that if the fines from the prosecutions were to become part of the Territorial funds more general interest would be taken in exposing and punishing infractions of the law. The Council accordingly petitioned the Dominion Government to have all fines received for violations of this law paid over to the General Revenue Fund of the North-West Territories.

On November 12th, 1886, a prolonged discussion took place on a motion by Mr. Turriff, seconded by Mr. Perley, and an amendment by Mr. Cayley, seconded by Mr. Lauder. Both were given the six months' hoist but it is interesting to note the questions that were under debate. The motion was:

"That this Council recommends that the manufacture or sale of Spirituous Liquors or Beer should not be allowed in the North-West Territories, until a majority of the people declare in favour of it by popular vote.

That the North-West Territories Act be amended so as to prevent the Canadian Pacific Railway Company from selling liquor or beer on their cars while in the Territories, and that permits be granted only for Medicinal and Chemical purposes.

The amendment was:

"That the Memorial Committee be requested by the Council to embrace in their Memorial to the Dominion Government a resolution affirming the wish of the Council that the principle of local option be adopted by the Dominion Government in reference to the introduction of spirituous beverages into the North-West Territories instead of the permit system now in force."

The Permit System employed in the Territories attracted the attention of eastern Journals. Lieutenant-Governor Dewdney was made the subject of caustic criticism both in the Quebec and Ontario newspapers. The Montreal Daily Witness of November 6th, 1886, reprinted an article from the Dundas True Banner:

"The North-West Barkeeper"

"If the whiskey business is not respectable, it has one high-toned representative at least. The Dewdney of the North-West Territories gets 50 cents per gallon for every permit he issues. Just what difference there is between this branch of trade and the saloon-keeper, who keeps his five cents a glass, is ~~hard to~~ determine, unless it is that the Dewdney has a very extensive business stand,—the whole North-West."

On November 15th, 1886, Mr. Secord, rising on a question of privilege drew the attention of the Council to this article. He stated that the fees collected on the issue of permits formed part of the General Revenue Fund of the Territories, and were duly accounted for by the Lieutenant-Governor in the Public Accounts of the Territories laid before the Council.

From 1887 on an agitation grew stronger to introduce a License System into the Territories. The example and experience of Ontario were attracting the notice of the North-West. In that Province for many years, 1850-62, the power to grant licenses for the sale of liquors had been vested in Municipal Councils. In 1862 this power had been transferred for cities from the Council to a Board of Police Commissioners, but in towns, villages and townships it had remained vested in the Council. The Crooks Act in 1875 took away from the Councils all control over shop, saloon and tavern licenses and vested the right to grant such licenses in Boards of License Commissioners appointed by the Lieutenant-Governor-in-Council for each city, county or electoral division in the Province. It was a distinct step in governmental control of the liquor traffic. It limited the number of licenses which might be granted in any municipality to one for each 250 of the first 1,000, and one more for each additional 400 of the population of the place. It authorized the Municipal Council by by-law or the Commissioners by resolution still further to reduce the number. It increased the amount payable for licenses. It fixed a certain minimum of accommodation as a qualification for licensed premises. In 1882 Sir John A. Macdonald attacked the constitutionality of the Crooks Act. He stated at Yorkville: "If he carried the country—as he would do—he would tell Mr. Mowat, the little tyrant who had attempted to control public opinion by getting hold of every office from that of a Division Court bailiff to a tavern-keeper, that he would get a Bill passed at Ottawa returning to the municipalities the power taken away from them by the License Act." At the next



Session of the Dominion Parliament Sir John A. Macdonald had the McCarthy Act passed. It divided Canada into license districts, for each of which there was to be a Board of License Commissioners. The question of the validity of this measure was argued before the Supreme Court of Canada, and then before the Judicial Committee of the Privy Council. The McCarthy Act was held to be *ultra vires* of the Dominion Government. The Ontario Licensing Act was valid. The Ontario Government now proceeded to amend the Crooks Act by reducing the number of saloon licenses, by introducing the principle of local option, by separating the liquor traffic from all other traffic in any licensed shop, by forbidding the sale of liquor in clubs, and by introducing the possibility of interdiction in the case of excessive drinkers. A Liquor Amendment of 1890 went further by restoring to municipalities the power of municipal local option.

This course of development was watched with the most lively interest in the Territories. The question of the respective powers of the Dominion and the Provinces was complicated in the case of the Territories by the fact that the Territories did not enjoy full Provincial rights. On October 20th, 1887, Mr. Cayley moved a resolution which, however, he withdrew on the promise of a Special Committee to take into consideration the existing state of the liquor law. His motion was:

“That the Dominion Government be requested to submit to the people of the North-West Territories, at the forthcoming election of members to the North-West Council or Legislative Assembly, as the case may be, the

question of granting either a license or a total prohibition system to the North-West Territories, and that new legislative action in regard to the liquor question be introduced by the Dominion Government based upon the result of such vote."

Later in the session a communication was received from Medicine Hat conveying the recommendation of a public meeting, that malt beer be allowed to be brewed in the Territories, and that a license system be established for controlling the sale of all liquors. On November 18th, 1887, Mr. Haultain reported on behalf of the Special Committee appointed to report on the state of the liquor law in the Territories:

"Whereas in the opinion of this Council the present liquor system is unsatisfactory and ineffective either as a Temperance or Prohibitory measure;

And whereas on account of the disfavour in which the present law is regarded and its consequent ineffectiveness, a large traffic in illicit liquor has sprung up, to the great detriment of the country morally and financially;

And whereas the reasons for the introduction of the present law have ceased to exist, and with them the necessity for the law;

And whereas, apart from any question of principle, the people of the Territories are united in the opinion that the time has come when they should be allowed to pronounce of

themselves on the important subject of the liquor question;

**Resolved,** That this Council is of opinion—

(a) That power to deal with the liquor question similar to that enjoyed by the Provinces, under the British North America Act, be given to this Council;

(b) That the provisions of "The Canada Temperance Act" be extended to the Territories, and that the present Provisional Districts of Assiniboia, Saskatchewan and Alberta be Districts under the said Act;

(c) That Sections 92 to 100 of the North-West Territories Act be repealed, such repeal not to come into effect until one month after the close of the next session of the North-West Council, or Assembly.

At the same time Mr. Turriff moved a resolution, that the issue of permits, except for medicinal, scientific, sacramental and mechanical purposes, be discontinued. Mr. Haultain's resolution prevailed. It was clear that the days of the Permit System were numbered.

In the session of 1887 a return was made of all fines remitted through the office of the Lieutenant-Governor which had been imposed for violations of Dominion Statutes respecting the manufacture, sale and importation of intoxicants from January 1st, 1882, to October 20th, 1887. The total amount for the period was \$15,631.50. For 1882 there was one; for 1883 there were eight; for 1884 there were eighteen; for 1885 there were twenty-five; for 1886 there were thirty-four; for 1887, to October 20th there were twenty-seven.

We have seen that the matter of liquor control was becoming the subject of constant debate. The law was proving more and more ineffectual. The Permit System was being abused by persons who purported to import liquor for medicinal purposes, but who actually were engaged in a traffic that yielded huge profits. The Macleod Gazette declared:

"Throughout the North-West it is daily broken by the entire population, from the highest to the lowest. There are few people in the world who are more law-abiding than those of the North-West, and at the same time there are few countries on the face of the earth where any one law is so openly and universally violated by rich and poor, high and low together."

It said further with reference to "pink-eye whiskey" which bootleggers brought into the Territories from Montana:

"For every gallon of this illegal liquor which is seized, there are thousands of gallons which get safely in and are sold. It has been estimated that hundreds of thousands of dollars are annually drained from Alberta alone for whiskey, and not one per cent. of this paid out for liquor covered by permit."

Alexander Begg wrote:

"Liquor which had never paid a cent of permit revenue was to be had everywhere at prices ranging from twenty-five cents to a dollar a drink. The demoralizing effect of such a traffic may be imagined. Often, when a 'per-

mit' or a cargo of smuggled liquor arrived in a town or settlement, the entire community indulged in a drunken orgy, which only ended when the last drop had been disposed of, and the last dollar had been drained from the purse of the revellers."

The change from the North-West Council to the Legislative Assembly occurred in 1888. This did not operate to allay the liquor agitation. A proposal was made that a vote of the people should be taken to ascertain whether the majority desired a policy of total prohibition or a system of high licenses. It was found that to pass an ordinance to take such a vote was ultra vires of the Assembly. A resolution of the Assembly, however, was adopted that it was the judgment of the Assembly that a vote of the people should be taken to determine the question; if the Dominion Parliament did not make provision for taking this vote then it should grant to the Assembly in respect of the liquor question powers similar to those enjoyed by the Provinces under the British North America Act.

Early in the Dominion session of 1889 N. F. Davin asked whether it was the intention of the Government to introduce legislation to confer responsible government upon the Territories. Later a North-West Bill was distributed in the House, introduced by Hon. E. Dewdney, but withdrawn before any discussion took place. This gave the Territorial Assembly approximately the powers of a Provincial Legislature. Among other powers it granted jurisdiction over shop, saloon, tavern, auctioneer and other licenses. The then existing Assembly, however, was not to deal with the granting of licenses for the sale of intoxicants, nor with

any legislation in relation to the importation, manufacture, possession, barter, sale or disposal of intoxicating liquors. On the dissolution of the Assembly the people of the North-West were to be given an opportunity to express their opinion as to the nature of the legislation.

On October 4th, 1890, Sir John A. Macdonald told a deputation of temperance people that steps had been taken to break up the practice of purchasing two or more lots of liquor with the same permit. He expected the time would come when the country would be settled sufficiently for the people to take the management of these matters into their own hands:

The situation was gradually developing. At the same time as the poll on incorporation was taken at Lethbridge in December, 1890, a vote was taken to ascertain the feeling of the people on the liquor question. The result was: For License, 143; for Prohibition in its present form, 2, and "one of these," so ran the newspaper report, "was the Methodist minister's." There was a good deal of private manufacture of spirits. Thus on February 24th, 1891, a Battleford rancher was fined \$700 for making whiskey in an illicit still. The Calgary Herald represented the liquor laws, at any rate in Calgary, to be in a state of confusion "or worse":

"The town of Calgary issues licenses to places where little but whiskey is sold. It licenses to sell—whiskey? Oh! No! merely 'liquid refreshments.' It knows that the traffic it is really licensing is illegal, but, desiring to make a haul out of the saloon men, it insists upon them paying, one and all, one

hundred dollars in cash. What is more, the municipality will license all who apply without regard for character or anything else. You lay down your hundred dollars and you receive your license, and there the transaction ends. It grants no protection of any kind. The Dominion authority may step in, and, notwithstanding the municipal license, may summon, fine and imprison for what the town was well aware was being done when it granted a license and what it was well aware the license is intended to cover."

On May 11th, 1891, N. F. Davin presented a number of petitions in the Commons in favour of Prohibition. At the same time the Commissioner of the Mounted Police reported:

"The liquor question is still in a very unsatisfactory condition, and while the importation of beer, I think, lowered the demand for stronger liquor, the ruling of the courts that liquor once admitted under permit can be held by anyone and the fact that counterfeiters of permits belonging to other people can protect those having liquor almost completely kills the enforcement of the Act, in spite of the efforts of the Lieutenant-Governor of the North-West Territories to prevent the transfer of permits, and puts the police in a most unfortunate position. In fact, as at present interpreted, it is almost impossible to enforce the Act. It is unfortunate that beer cannot be brewed in the Territories under proper supervision."

Superintendent McIlree's report stated that saloons were plentiful and the illicit traffic increasing. 127 permits had been issued during the previous year in Calgary,—“some to men now absent and others now dead, and some are dated years back and yet hold good, and it is no use to search for liquor.” Superintendent Griesbach reported that intoxicants were to be found in all saloons, but always protected by permits.

The blame for the unsatisfactory condition of affairs was attributed in large measure to Lieutenant-Governor Royal. The criticism of him was outspoken. The Calgary Herald of June, 1891, stated:

“Governor Royal told the newspaper men in Montreal that in issuing permits ‘my object was to create a taste for beer in the Territories to more efficaciously oppose strong drinks.’ We don’t quite understand this. What has Governor Royal got to do with ‘creating a taste for beer’ or any other drink? He is there to administer the law. He has nothing to do with the ‘taste’ of the people on this or any other question or custom. And the sooner he realizes his true position the better for him and for the North-West Territories. The people of the North-West are not children that they should have their ‘taste’ moulded by Governor Royal or anybody else.”

The Dominion legislation came in 1891 when an Act to amend the existing Acts respecting the government of the North-West Territories was introduced by Hon. E. Dewdney and became law. This gave the Lieutenant-Governor the power to dissolve the As-



sembly and to cause a new election. Among the increased powers given to the Assembly were the regulation of the liquor traffic and the jurisdiction over shop, saloon and other licenses.

An election for the new Assembly took place on November 5th, 1891. Among the issues before the electorate was that of the policy to be pursued in the regulation of the liquor traffic. But few desired to continue the old Permit System. Opinion was divided between total prohibition and regulation by license. A majority of the members returned were in favour of the license system. The Assembly now had the jurisdiction to issue licenses, and the dominant party was committed to that policy. On December 15th, 1891, Mr. Cayley, seconded by Mr. Haultain, moved that Messrs. Clinkskill, Neff, Tweed, Haultain and Cayley be a Committee to prepare and bring in a Bill respecting the sale of intoxicating liquors and the issue of licenses therefor. He declared that in passing this resolution the House committed itself to two principles: to deal with the question of liquor at that session, and to pass a liquor license Act. He feared that the motion would not meet the views of prohibitionists, but it would meet the views of a large majority of the House. Mr. Frank Oliver was in favour of a local option law "that would take in the whole Territories." He protested that the existing law had not been carried out either in letter or in spirit. The Regina Leader carried an editorial, January 12th, 1892, which said,—

"There can be no doubt that large numbers are in favour of Prohibition. Surely their opinions and feelings should have some consideration. Let us not open the door too

wide. And let us have no license under any circumstances in the country districts."

The result of the deliberations of the Assembly was the Liquor License Ordinance, 1891-92, being an Ordinance respecting the sale of intoxicating liquors and the issue of licenses therefor. This was assented to on January 25th, 1892. The reign of the Bar had commenced. It was to continue for almost a full quarter of a century, till after the outbreak of the Great War.

The liquor legislation was founded on the Ontario legislation. It granted hotel licenses for selling by retail fermented, spirituous or other liquors to be drunk in the hotel in which the liquor was sold. "Retail" was taken to mean the sale of not more than one-half gallon of ale, beer, or porter or, of one quart of wine or spirits, at any one time. Provision was made for setting up License districts, for a Board of License Commissioners, three for each district, for a Chief License Inspector to hold office during pleasure, for one or more Inspectors for each district. The Board of License Commissioners issued both Hotel Licenses and Wholesale Licenses. Objections by petition might be made by any seven or more of the twenty householders residing nearest to the premises for which a license was requested. Hotels in town municipalities were to have not less than ten bed-rooms, in unincorporated towns not less than seven, in other places not less than four, the latter also being required to provide stabling for six horses in addition to the hotelkeeper's own. The hotelkeeper was required to furnish lodging, meals and suitable accommodation for travellers. Each license was to cost \$200. The measure made pro-

vision for option clauses. No license might be granted by the Board for the sale of liquors within the limits of a License district when a majority of three-fifths of the duly qualified electors who had voted at a poll had declared themselves in favour of prohibition of the sale of intoxicating liquors in their district and against the issue of licenses therefor. No liquor was to be supplied to persons under the age of eighteen years. No liquor might be sold without a license. Provision was made against selling adulterated liquor, for interdiction of those drinking to excess and of irresponsible persons, and for granting licenses to railway companies. The Ordinance came into force May 1st, 1892.

From time to time this Ordinance was amended during the Territorial days. Each year saw its fresh crop of changes. In 1892 the expense of taking a poll was reduced from \$200 to \$100. The applicant for a license was at the same time required to pay 5 per cent. of the amount of the license as a prosecution fund. And the hours of sale were shortened, the closing hour for Saturdays becoming 7.00 p.m. instead of 10.00 p.m.

In September, 1893, the Ordinance was made in-operative for the district north of Alberta; no liquor was to be imported into the Athabasca district.

On August 28th, 1894, Mr. Frank Oliver moved that it was desirable that legislation be passed to prohibit the traffic in intoxicating liquors in the Territories. An amendment prevailed, moved by Mr. Mowat, asking that a plebiscite be taken, and declaring that it was not desirable that any legislation be passed for the suppression of the traffic in intoxicating liquors pending the expression of the views of the

country on the subject. Petitions came from various parts of the country. On August 28th the Macleod Council of Royal Templars of Temperance petitioned for the prohibition of the liquor traffic. The following day similar petitions came from Olds, from the W.C.T.U. of Edmonton, and from the Mizpah Council of Royal Templars of Temperance, Macleod. There were many who looked upon Mr. Mowat's amendment as "an ingenious bit of verbiage."

The following is a statement of the extent of the operations in licenses during the first months of the existence of the License system:

	14 months ending June 30, 1893.	Year end- ing June 30, 1894.
Hotel Licenses granted .....	91	99
Wholesale Licenses granted .....	34	30
Applications refused .....	9	10
Applications withdrawn .....	8	5
Applications not proceeded with....	13	6
Applications pending .....	6	0
Applications not entertained .....	1	2
Total number of applications..	162	152
Convictions obtained .....	12	10
Fines collected .....	\$375	\$270
Beer permits under Section 79.....	17	9
Permit receipts .....	\$260	\$150
Number of Interdictions under Section 92 .....	22	7

In the case of the ten applications refused for the year ending June 30th, 1894, the reasons given by the Chief License Inspector were as follows:

Unsatisfactory state of premises .....	1
Insufficient accommodation .....	5
Character of applicant .....	1
Not recommended by requisite number of householders .....	3

There was an active discussion of the question in the Territorial papers. The Moose Jaw Times under date of September 14th, 1894, declared:

"The law that prevailed in the Territories prior to the introduction of licenses was no prohibition law. Under a prohibition law a Lieutenant-Governor would not have power to grant licenses for 4 per cent. beer which, if it did not intoxicate men, made them sick and silly; he would not have power to grant indiscriminate 'permits' for strong liquors. Until Royal's permit-granting era opened the law did fairly good service; there was a possibility of detecting and punishing offenders; but with Royal's advent permits became so common that there was no difficulty in borrowing one to cover an illegal importation of whiskey. Yet even under that reign of practically free whiskey statistics go to show that less liquor was consumed and less drunkenness prevailed than under the present system."

A year later, September 13th, 1895, W. D. Cowan wrote on the temperance situation in an illuminating letter to the Christian Guardian:

"Speaking purely from observation, while I say I think there is more heavy drink-

ing in the North-West Territories than in the East, I believe there is less moderate drinking. We seem to be at the two extremes, either genuine 'soaks' or total abstainers. Our people are, collectively speaking, as temperate as any other part of Canada and are as ready to assist in the suppression of the liquor curse as are the people of the older Provinces. There seems to me to be but one thing necessary to insure the speedy enactment of a prohibitory law, and that is the conviction of the people that an honest attempt will be made by the Government to enforce such a law. The people here seem thoroughly satisfied that the use of liquor is a curse that ought to be wiped out. They seem thoroughly satisfied that the evils arising from the use of liquor could be wonderfully lessened by a prohibitory law well enforced, for they tried it and proved it, as witness the condition of our country previous to Governor Royal's time. But they know too well what a farce an unsympathetic administrator can make of any law. They are not to be blamed, remembering, as they do, how Governor Royal, of his own accord, amended (by false interpretation) our prohibitory law and substituted for it the most iniquitous and partial high license system Canada has ever seen. He administered the law as he had amended it, and when the people got tired of his iniquity and amendments, he had it sounded with brazen trumpets throughout Canada that he had repealed Prohibition."

The Territories were divided into distinct districts so far as temperance sentiment was concerned. The English, the French, the Germans and the Half-Breeds had different customs and habits, but they were all alike in prizing the liberty to drink. Among the English a considerable number could be found who did not drink; among the French, very few; among the Germans and Half-Breeds absolutely none. The Canadians who had come from the Eastern Provinces were more pronouncedly temperate. They were also the most successful as settlers. Their aim was to make the Territories a second Ontario or a second Manitoba,—Christian, moral, temperate. A most marked progress was being made in the growth of sentiment against drunkenness. An observer of the time stated:

“While five years ago a drunken man would be smiled upon, to-day he is spoken of in pity and derision. A few years ago a drunkard could be elected to high office, to-day a moderate drinker can, but it is a very difficult matter for a man who goes on even an occasional drunk to obtain the confidence of the people. In this respect great progress has been made, and is being made. Our churches also have within the same space of time become gradually and almost unconsciously much more strict within themselves in dealing with this liquor question. This is one of the most hopeful signs, for a short time ago there was some laxity upon this point. Of course, here as elsewhere the greatest barrier to the progress of temperance is the social custom of ‘treating.’ We are said to be more

sociable than the 'Down-Easter.' I believe this is so."

Such was the testimony of one who has since held high office as a representative of the people.

The evils of the treating system in the Territories were probably most strikingly exemplified in its effects upon the ranchers and cowboys who even in the early Nineties still formed a large part of the population. These men were often from two to six months continually out of town. When they came to town they must have "something" with the first friend that they met. It was marvellous how many friends they found before night. The result was that all "went on a bender" which might last for two to four days. With money gone they would "hit the trail" for the ranch. They might never touch liquor again for another six months, till they again came to town.

The Half-Breeds were opposed to any kind of prohibitory law. They had votes and they were relatively much more influential then than now. It was thought that the introduction of the license system had operated to their advantage more than in the case of any other section of the community. A temperance worker of the time wrote:

"They never keep a dollar. Ten years ago, when Prohibition was enforced, and enforced well, in this country, it was the usual thing for the wives of the Half-Breeds to be respectably and comfortably dressed. To-day under license there are scarcely any of them who have enough to keep them in the most miserable existence. Speaking of these a few



days ago, a liquor dealer living amongst them (not knowing I was a Templar, or I am afraid he would not have been so frank), said: Before the introduction of license the Half-Breed got drunk when he could get the whiskey, now he gets drunk when he can get the money."

In 1895 an amendment made the sale of liquor by an association, body of persons or club, not incorporated by a Territorial Ordinance, a violation of the law. This preserved its privilege to the Assiniboia and Ranchmen's Clubs. On July 5th, 1895, the North-West Methodist Conference at Regina unreservedly condemned a proposal to take a further plebiscite on the question of Prohibition as an attempt at evasion. Considerable interest was taken in the "\$150,000 Report" which the Dominion Government had made on the question of the liquor traffic. Rev. Dr. Macleod of Fredericton had submitted a minority report in favour of total prohibition.

In 1896 was prohibited the sale of ale or lager beer upon the grounds of an agricultural society or industrial exhibition. Provision was also made that the bar room was not to be connected with a hotel by more than one door, and the view into the bar-room was not allowed to be obstructed during prohibited hours. Billiards, pool and other tables were to be excluded from the bar-room.

In 1897 provision was made for fixing the number of licenses. In incorporated cities, towns and villages, not exceeding 500 population, the number of licenses was not to exceed two; in towns from 500 to 1,000 the number was not to exceed three; in towns from 1,000 up not more than one additional license was permitted

for each additional 500 of population. Short-term ale and beer licenses to sell retail for a period not exceeding six days might be given by the Chief Inspector upon application of an incorporated society, turf club or racing association. Sales might take place in a covered booth or tent. These might not be issued for spirits.

In 1900 the Attorney-General was substituted for the Chief License Inspector in the matter of the privilege of issuing licenses. In this year the plebiscite gave a majority of 11,522 for Prohibition, the vote standing 18,637—7,115.

In 1901 hotelkeepers were forced to provide suitable fire escapes. Provision was made for granting commercial travellers' licenses empowering agents to take orders in the Territories for liquor to be imported into the Territories. A fee of \$10 was imposed. They might sell liquor only in quantities of not less than five gallons in each cask or vessel, or not less than one dozen bottles of at least three half-pints each, or two dozen of at least three-fourths of a pint, at a time.

In 1903 the amount of hotel accommodation required was increased. Regulations were adopted governing brewers' and distillers' licenses. And the following provision was made to keep the hotels in the more compact settlements:

"After the first day of July, 1903, no application for a new license, and after the first day of July, 1904, no application for a renewal license shall be entertained in respect of any hotel or wholesale premises not situate in some city, town or village or some place con-

taining not less than fifteen dwelling houses within an area not greater than 1,280 acres."

The discussion of the liquor question continued both within and without the Legislative Assembly. In 1902 a resolution was passed that in the opinion of the Assembly the interests of temperance would be promoted by a system of state monopoly of the liquor traffic. The Government was accordingly called upon to inquire into this system in other countries where this had been tried.

The extent of the operations in licenses at the conclusion of the Territorial period can be seen from the following statement:

#### License Year 1903-1904.

	Applica- tions received.	Applica- tions granted.	Applica- tions refused.	Applica- tions, withdrawn.
Hotel .....	224	193	12	19
Wholesale .....	49	40	5	14
<b>Total</b> .....	<b>273</b>	<b>233</b>	<b>17</b>	<b>23</b>
Transfers (Hotel) .....	68	67	1	
Transfers (Wholesale) ..	3	3	1	
<b>Total</b> .....	<b>71</b>	<b>70</b>	<b>2</b>	
Commercial Travellers Licenses granted.....				13
Dining-Car Licenses .....				1
Interdictions by Magistrates .....				58
Interdictions by License Inspectors.....				127
Total amount of fines imposed for offences under Liquor License Ordinance .....				\$4,451

## CHAPTER VIII. (a)

### THE USE AND REGULATION OF LIQUOR IN SASKATCHEWAN. (a) FROM THE ERECTION OF THE PROVINCE TO THE ABOLITION OF THE LIQUOR STORES.

When Saskatchewan became a Province on September 1st, 1905, it inherited from the Territorial Government a system of license control of the liquor traffic. This system was destined to continue for almost precisely a decade, till, after the outbreak of the struggle with Germany, with the rising tide of temperance feeling and as a war measure, it was swept aside in favour of what became known as the dispensary system. The features that characterized this period in the history of liquor control are the following:

1. The improvements and amendments in the license law.
2. The granting of an improved Local Option law, and the elections that arose therefrom.
3. The careful license administration, particularly by the Board of Commissioners during the last seven years of the decade.
4. The temperance agitation fostered first by the Royal Templars, then, more effectively, after 1908-9, by the Social and Moral Reform Council, Abolish-the-Bar Campaigns, and Committees of One Hundred.
5. The Abolition of the Bar and the coming of the dispensaries or liquor stores.

We have already seen that the Liquor License Ordinance, 1891-92, following the Ontario Act, made provision for local option. According to this legislation no license might be granted by the Board of License Commissioners within the limits of a license district when a majority of three-fifths of the duly qualified electors who had voted at a poll had declared themselves in favour of prohibiting the sale of intoxicating liquors in their district and against the issuing of licenses therefor. But no advantage had ever been taken of this clause. No attempt had been made to exercise this local option on the part of a single district. The sparsely settled character of the country made it difficult to focus and organize temperance sentiment. There was a disposition to give the license system a fair trial. Many recalled the illicit traffic of the "Permit" days and were little inclined to have recourse to a scheme that might degenerate into something not unlike what they had discarded. In any case the license district was too large to be influenced or controlled by any local group of temperance enthusiasts. And, apart from a limited number of towns, the municipal organization of the Territories was in an undeveloped condition. For only a limited number of rural municipalities had found practical existence under the Ordinance of 1884, and in 1896 certain of the rural municipalities that had been erected were de-organized. Nor were the bounds of local improvement districts as yet permanently fixed. But on the formation of the Province-municipal commissions had been appointed and within four or five years a complete municipal system had come into being. A basis had been laid for a new and improved local option law.

In the meantime in Saskatchewan there was awakening a new interest in temperance reform, an interest that was to be increasingly stimulated by the Social and Moral Reform Council of the Province, and not least by its energetic Secretary, C. B. Keenleyside. In 1907 the license law was amended to make provision for a chief license inspector, to require hotels in cities and towns to have at least 25, and in villages and rural localities at least 15, bed-rooms with suitable complement of bedding and furniture, to insist on better fire protection, and to fix the fee for hotel license at \$400 for cities; \$300 for towns; \$250 for villages and rural localities.

Definite progress was made in 1908. From that date the administration of the licenses was in the hands of a Board of high integrity and rare conscientiousness. In his Oxbow speech in 1915 Premier Scott paid them a deserved tribute:

"I think, too, the administration of the law has been good. In fact, I am sure that no person or board anywhere ever did administrative work in connection with a liquor law more faithfully, capably and successfully than the Board of Commissioners has done which we created seven years ago."

In the same year a local option law was enacted. This was assented to on June 12th, 1908. According to this no license was to be recommended by the Board for the sale of liquor within the limits of a city, town or rural municipality after the passing of a by-law declaring in favour of the prohibition of the sale of intoxicating liquors and against the issuing of license.

therefor. This local option by-law was to be submitted to the people by the Council on petition from twenty-five per cent. of the persons entitled to vote. To carry the by-law required the assent of the majority of the persons whose names appeared on the voters' list. A petition for its repeal might be entertained only after two years and on petition of twenty-five per cent. of the persons entitled to vote. For the purposes of this Act a rural municipality was deemed to include any villages situated within its boundaries. Provision was made against the sale of liquor on Christmas Day, Good Friday, Thanksgiving Day, or during elections, and against cashing cheques for wages on licensed premises. The number of licenses was limited:—in cities, town and villages, one for the first 300 or less of the population; two for a population of 300 to 750; three for a population of 750 to 1,500; four for a population of 1,500 to 2,500; for a population over 2,500, four for the first 2,500, and one for each additional 1,500 or fraction thereof. Henceforth there was no hotel license granted outside of a city, town or village. At the same time provision was made for regulating the number of wholesale licenses: one for the first 1,000 of population; two for the first 2,500; three for the first 7,000; four for the first 15,000; five for the first 30,000. The unlicensed sale of liquor by a club was forbidden. On the occasion of the abolition of the bar Premier Scott declared:

“We placed a Local Option law on the statute book which, I believe, is as nearly perfect as any other Local Option law,—anyhow, if it is not a good law, I do not want to carry all the blame because there was scarcely a

single suggestion for its strengthening ever made by the officials of the temperance organization which we did not adopt."

Among the subsequent amendments were one in 1911 making provision for submitting a by-law for repeal only at the third, instead of the second, annual elections held after the day of the voting, and another in 1913 making 100 names sufficient for the petition in a city, and 25 for a town, village or rural municipality.

For nearly five years the attention of the temperance forces of the Province was concentrated upon the business of contests under the Local Option law. The actual gains in the number of constituencies that went dry, though considerable, were disappointing. For this, in not a few cases, the attitude of the local municipal authorities must be blamed. Nevertheless the educational work of these years was of the highest importance. It is to be doubted whether without the temperance agitation of these years the Province would have been prepared for the more aggressive action that followed on the outbreak of the war.

To Carnduff and Lumsden falls the distinction of being the first to engage in local option contests. This was in the winter of 1908-09. To Lumsden belongs the honour of becoming the first dry municipality under the working of this law. This first taste of victory acted as a spur to the Temperance forces. Under the energetic leadership of the Secretary of the Social and Moral Reform Council, Mr. C. B. Keenleyside, an aggressive campaign was set on foot to organize the entire Province. It was intended to have a simultaneous vote throughout all Saskatchewan in December,



1910. But a preliminary brush with the liquor interests took place in one rural municipality and some half-dozen towns at the municipal elections of 1909. It was felt that the situation in these particular places was ripe, and that a contest would operate to sustain interest and to strengthen morale. In over half the contests the temperance forces were victorious. This success greatly heartened them for the coming fray. Out of the 150 municipalities that constituted the objective of the local option drive they were successful in filing petitions for by-laws in nearly 125. Mr. Keenleyside who was in the thick of the contest has summarized the action of the obstructionists and the difficulties of the situation in the following account:

"In nearly thirty places the by-laws were not submitted to the people in response to the petitions. The reasons were various. One Secretary-Treasurer pinned to the notice calling the meeting a slip on which he had written a very broad hint to the members of the Council not to attend the meeting. One absented himself from his office for a week until the time had elapsed for receiving petitions. The next day being Sunday, he was in his usual pew. One called the Council together two days too late to read the by-law. Several others refused to call the Council at all. One Councillor rose and left the Council meeting when the by-law was introduced, thus breaking the quorum. A number of Councils rejected the petitions for one reason or other at the instance of lawyers representing the liquor traffic. In several cases the friends of

---

local option undertook Mandamus proceedings to compel the Councils to do what the law required of them. This intricate, highly technical, and cumbersome method of procedure proved useless to the local optionists, and the experiment cost them several thousand dollars.

When the vote took place there were no voters' lists except in the cities. Any man could enter a polling booth and demand a ballot. Unless the voter was challenged by one of the officials of the polls, the returning officer had no right to refuse him a vote. This opened the way for thousands of bogus votes. The Social and Moral Reform Council, after a careful gathering of facts, estimated that, as a result of the bogus votes, twenty-five places were reported as defeating local option where there was really a clear majority of honest votes in favour of local option.

When the hurly-burly was over, and the unfriendly Councils and Secretary-Treasurers had done their worst, and the lack of voters' lists had cost the local option party twenty-five victories, it was found that forty places had carried local option.

Then came the quashing of by-laws thick and fast. Most of these were never fought out in court. Deals were made by the lawyers for the liquor men whereby they kindly agreed to pay all the costs of the suits if the Councils would not fight the case. Moose Jaw was the first to be quashed. Here Judge Ouseley gave a decision sweeping enough to

satisfy even the chief solicitor for the liquor party, and quashed the by-law on about a dozen counts. The Judge manifestly went out of his way to establish a precedent on various points that would later be raised all over the Province. Some of his decisions were hopelessly illogical and were not followed by the other Judges. But in the meantime this decision made it easy for the liquor lawyers to convince the Councils that they would lose anyway, and it would be much better to settle and to save the heavy cost.

A number of cases, however, went to trial, and all the by-laws attacked were quashed except two. In one case a deputy returning-officer, finding business slack, closed up his booth for half an hour and went out to lunch. Of course it was a stupid thing to do although no voters applied to vote during the time he was at lunch. This by-law was quashed. In one case the ballots read "For Local Option" and "Against Local Option" instead of "Against the Sale of Liquor" and "For the Sale of Liquor." This by-law was quashed. In one place the deputy returning-officer failed to open his poll at all and the by-law went down. In another place a Regina lawyer drew up what he called a local option by-law. The Council passed it and the people gave it a majority of 117. It turned out to be only a resolution that a vote should be taken on local option. Of course it was quashed. In another place the majority was ten for local option. The lawyers for the liquor men proved that

twelve bogus votes were cast, and the by-law was quashed. No attempt was made to show that these votes were for local option. By the time that the District Court Judges were through with the by-laws the only two left in force among those attacked were those of rural municipality No. 186 including Balcarres and Abernethy, and Local Improvement District No. 189 including Disley."

In Ontario and Manitoba the custom was that the Board of License Commissioners declined to grant licenses where a by-law had been quashed on technical grounds. The Board of License Commissioners in Saskatchewan also at length took this position but qualified their decision by a clause "except it be shown that a change of sentiment had taken place." The criticism of the Board by the temperance workers was that it proved exceedingly easy to establish that a change of sentiment had taken place. Thus in the instance of Moose Jaw local option had carried by a majority of 190 votes. Judge Ouseley had quashed it. The Board of License Commissioners declined to grant licenses for the subsequent year. The liquor interests asked in a petition with 900 names that the decision be reversed. They were informed that their request would not be granted unless they were supported by a majority of the 2,600 names on the voters' list. This seemed not unlike an invitation to extend the list. In a short time they were back with 1,557 names. Their reward was the issuance of five licenses.

The fight for local option seemed futile in spite of Premier Scott's belief that the law was as nearly perfect as any other Local Option law in the world.

The difficulties in the way of making headway had proved enormous. In thirty places the petitions had been ignored; in twenty-five the by-law had been defeated by fraudulent votes; District Court Judges had quashed every by-law attacked except two; the Board of License Commissioners had granted licenses in places where by-laws had been quashed although they were in a position to withhold them. There is little wonder that there were temporary signs of discouragement and no local option contests took place at the ensuing elections.

The Local Option law had proved so weak as to be useless. The Social and Moral Reform Council appealed to the Government to make its own law workable. The Government took no action beyond making provision in 1911 for submitting the by-law for repeal only at the third, instead of as formerly at the second, annual election held after the day of voting.

It was now six years since Saskatchewan had become a Province. What had been achieved in the matter of temperance reform? The results might seem meagre enough to the casual observer. There were even moments when the tide seemed to be setting against temperance. In the session, 1908-09, the privilege was given to open bars on the days of municipal polling after the hours fixed by law for the close of the poll. In cities an extra thirty minutes was in the same session allowed for sale of liquor at nights. So that the bars were closed at 10.30 in the cities but at 10.00 in towns and villages. The privilege of selling liquor was also extended to clubs on payment of a fee of \$250.00, on securing permission of the Attorney-General and on condition of making provision for sup-

plying meals and sleeping accommodation for members. The privilege, however, might not be granted in local option areas. Only an inconsiderable section of the Province had become dry through the Local Option law. In 1909 provision had been made to extend licenses to local improvement districts. But there were, in spite of these discouraging features, some elements of solid achievement. To begin with, apart from their unsatisfactory conduct in the matter of granting licenses where by-laws had been quashed, the work of the Board of License Commissioners had been satisfactory and had been characterized by fairness and probity. On the foundation of the University the Government had prohibited the granting of a license within a radius of three-quarters of a mile of land owned by the University. It had restricted the persons entitled to vote for local option to British subjects, not Indians or persons of the Chinese race, resident for twelve months in Saskatchewan, and in the town, rural municipality or local improvement district, at least three months. But the great achievement had been the campaign of agitation. This had succeeded in building up a mass of resolute and informed opinion.

The old plan of "nibbling," if one might use Joffre's phrase, had become discredited. It was resolved to carry the war into Africa. It was felt that municipal fighting yielded little in results and had none of the inspiration of a great offensive. It was important to consolidate whatever gains had been achieved, but a larger objective and a more direct attack were essential. Provincial Prohibition, to become law on a majority of the votes polled, became the new aim. Amendments to the Local Option law would not be despised, but the sphere of fighting was now to

be the Province, not the local municipality. Whenever a candidate of an existing party would pledge his support to Prohibition he was to be supported. In any constituency where neither candidate would so pledge himself, an attempt was to be made to bring into the field an independent man pledged to Provincial Prohibition.

The Provincial Government had no desire to adopt a prohibition policy. Premier Scott declared that its local option legislation of 1908 had lost the Government much support. He apprehended the same results from Prohibition. He was in favour of extending the local option period up to five years. What the Government actually did, however, was to restrict the number of licenses and to make it easier to petition for local option. In the session, 1912-13, the number of hotel licenses was fixed as follows: one for the first 600 of population in cities, towns and villages; two for a population of 600-1,200; three for 1,200-2,500; four for 2,500-4,000; when population exceeded 4,000, four for the first 4,000 and one for each additional 2,000 or fraction thereof. Wholesale licenses could be held only in cities and towns of over 2,000, as follows: one for first 2,000; two for 4,500; three for 7,000; four for 15,000; five for 30,000; six for 40,000; seven for 50,000 and one for each additional 15,000 or fractional part thereof. In the following session it was provided that a petition for local option might be presented with 100 names for a city and 25 for a town, village or rural municipality. For three years no local option contest had been held. At the municipal elections of 1913 a renewed attempt was made to advance the temperance cause through the privileges that local option

held out. The vote was taken in 26 municipalities. In six of these places local option carried.

The practical policy of introducing Prohibition now took the form of a "Banish the Bar" crusade. This step was being taken in Manitoba. On November 23rd, 1913, three hundred delegates, in the Y.M.C.A. at Regina, under a banner bearing the device, "Saskatchewan must go dry" determined upon adopting as their slogan and programme, "Banish the Bar." Now there began to be evident the fruits of the educational work of former years. The churches of practically all communions were united in the support of these temperance efforts. But above all the leaven had been working among the Grain Growers, and their influence was all-powerful in Saskatchewan. The recommendations of the Convention as submitted to the Government were:

1. That a campaign be immediately launched for the abolition of the Bar throughout the entire Province of Saskatchewan.
2. That this term "Abolition of the Bar" be interpreted to mean the doing away with the liquor licenses in clubs as well as the bars in hotels and all sale of liquors to be consumed on the premises.
3. That local option be maintained as a means of dealing with the wholesale stores, and that the Local Option law to this end be made effective.
4. That a request be made, either by petition or deputation to the Government asking it at the present session of the Legislature to introduce or receive and give three readings to a Bill as outlined.



5. That this Bill, after being passed by the Legislature, be submitted to the people of the Province of Saskatchewan, and, upon receiving a majority of the votes polled, become automatically law at the end of the then license year.
6. That the vote take place at the time of the municipal elections in the December following the passage of the Bill by the Legislature.
7. That steps be taken to secure a large campaign fund, probably as much as \$75,000.00.
8. That one General Secretary be at once appointed, and that during the time between the passing of the Act and the referendum the Province be divided into at least ten districts and an organizer appointed for each district.
9. That in order to cope with the hotel problem, Municipal Councils be given the power to erect or purchase buildings in order to lease or operate, or to take other desirable steps for the purpose of providing accommodation for the travelling public.
10. That all houses of public entertainment be regulated, licensed and inspected so as to ensure proper accommodation for guests.

With this programme a new spirit of resoluteness was injected into the temperance movement. Premier Scott evidently sensed this at once, for, on the presentation of these resolutions, he replied in these terms:

"Speaking on my own behalf, I believe that the line you are taking in regard to the temperance problem is the right line, the line

that all legislators and statesmen are advocating, and, further, I can assure you that your recommendations will receive the most careful and kindly consideration both from myself and from the legislators."

A movement was immediately set on foot to organize the Province with thoroughness. The programme received the unqualified endorsement of the Grain Growers in their Convention at Saskatoon. The Regina Leader in referring to their unanimous vote declared:

"The organized farmers of Saskatchewan have gone on record as being opposed, to a man, to the continuance of the retail sale of liquor in this Province. A resolution expressing the opinion of the Convention and calling for the abolition of the Bar was carried amidst a demonstration, the like of which has not before been seen in the farmers' Parliament. When the chairman announced the result of the vote, delegates sprang from their seats and cheered vociferously."

In the meantime, on December 15th, 1913, Premier Scott introduced a Bill for the holding of a plebiscite at the municipal elections of December, 1914, on the question,—

"Are you in favour of bringing into force an 'Abolition of the Bar' Act?"

To become law, this measure had to receive an affirmative vote of not less than 50,000 as well as a majority of the votes. The Government took the position

that the new system meant a radical change; that the Government would have to be responsible for administering the new system; that, to safeguard it against having to handle a system lacking a sufficient body of public opinion to help to enforce it reasonably well, a minimum of 50,000 votes should be cast in its favour. Just what happened is obscured by mutual-misunderstanding. The liquor men asked for a 60,000 vote, the temperance forces suggested 30,000 or a majority of ten per cent. A tentative suggestion was made by the Premier of 40,000 as a compromise. An interview was arranged between the Government and the temperance leaders. Upon the results of this interview the two sides put different interpretations. Speaking of the demand for 50,000 votes and of this interview, the Premier said at Oxbow:

"The Banish-the-Bar Committee wanted no such condition but they would have agreed to some minimum not so large as 50,000. They informed me flatly that they would wash their hands of a measure naming a 50,000 minimum. I could not assent to less. I withdrew the measure."

This measure was withdrawn on December 19th, 1913.

The extent of the operation of licenses at this time is seen from the following statement of the Liquor License Branch from October 25th, 1912, to November 15th, 1913:

Hotel Licenses granted .....	434
Wholesale Licenses granted .....	45
Commercial Travellers Licenses granted .....	39
Dining-Car Licenses .....	3

Brewers' Licenses .....	14
Club Licenses .....	7
Interdictions by Magistrates (two cancelled) .....	454
Interdiction by License Inspectors (one cancelled) .....	692
Total amount of fines imposed for offences under Liquor License Act.	\$14,455.20

There is not the slightest doubt that with all his political sagacity Premier Scott had not yet accurately gauged the volume of opinion that had arisen in favour of the abolition of the bar. He was doubtless right in insisting that there should be a strong measure of support for the proposed legislation. And the temperance leaders, as the event was to prove, were unnecessarily timid in their outlook. There was every likelihood that, if affairs had followed their normal trend, the abolition of the bar would have become a serious political issue in the Province. But over in Serajevo a shot was fired that upset all calculations in Saskatchewan.

With the outbreak of the war no one foresaw at once the tremendous by-products that were to result from the struggle. But before many weeks had gone by the thought of a British Army retreating from Mons had sobered men's minds into a strange seriousness. Statesmen began to speak of the conservation of all resources. The liquor traffic found itself assailed as a waster of strength by the organized religious, moral, social, industrial and military forces of the nation. Petitions began to flow in to Regina from every type of organization throughout the Province. Several newspapers became outspoken in their demand to out-

law the liquor traffic. The Saskatoon Star was perhaps the most unreserved in its denunciations. The United Brotherhood sent a delegation and petition to the emergency session of the Legislature and declared:

"That we have carefully considered the present condition of affairs and we draw particular attention to the situation which is likely to arise during the forthcoming winter as a result of:

(a) The abnormal conditions created by the partial failure of the crops in the Province.

(b) The scarcity of employment during the past year.

(c) The European situation.

That the presence of the saloon will not aid in the solution of our present economic problem, and your petitioners are assured that if the economic waste caused by the saloon were eliminated for the next half-year our cities and towns would be materially assisted in their task of providing for those dependent on their charity.

Your petitioners have been corresponding with every city and nearly every town in the Province and have made careful enquiry from retail merchants, from travelling salesmen and from those engaged in humanitarian work, and the verdict of those interviewed is that the saloons of the Province should be closed for a period covering the forthcoming winter."

Nothing of this character was accomplished during the emergency session. The world was still under the

spell of that most fallacious of all watchwords that had like to be the ruin of the Empire, "Business as usual." Few indeed had as yet realized that a struggle had been entered upon that would admit of nothing "as usual." But the storm was gathering. The Committee of One Hundred, the forefront of the Banish-the-Bar campaign, convened in Regina and made their usual pilgrimage to the Parliament Buildings. They requested as a war measure that all retail liquor licenses be suspended until the end of the war. They presented a formidable array of arguments. They alleged that Saskatchewan was wasting \$17,000,000 annually on the liquor traffic, that with the mixed nationalities in the Province the danger of a clash was not to be overlooked when passions were aroused by liquor, that even Russia had closed its grog shops, that if they waited for the referendum there could be no redress until July 1st, 1917, that the bars in some places had been suspected of breeding sedition. The Premier made reply, a reply that he reiterated in part in his famous Oxbow address in the following March, that it was unwise to make such a move with the Province facing the severe winter months and with thousands out of employment.

The attitude of the Premier was regarded as so unsatisfactory that a Banish-the-Bar Convention was summoned to meet in Regina in December. The delegates met in a determined mood. To their moral enthusiasm they now united a patriotic ardour. Some of the delegates had contributed sons to the overseas forces and were little inclined to temporise. Principal G. E. Lloyd, never more effective than when leading a crusade, reviewed the situation:

"We have not got one single thing from the Saskatchewan Government. Are we to go on tramping back and forth between conventions and the Parliament Buildings year after year without any satisfaction? On the other hand, the liquor interests have been given some 80 new licenses this year, and they are being encouraged while we are being ignored. Are you satisfied? If you are not, what are you going to do? This is what is to be decided at this Convention. You will get absolutely nothing until you are absolutely unanimous and are prepared to stand behind the policy adopted in Convention, whether it be to go after total prohibition or the banishing of the bars. You must put your Conservatism in one pocket and your Liberalism in the other and be temperance men first, last, and all the time, before anything can be accomplished. I do not think it makes very much difference whether we have a Liberal, Conservative or Coalition Government in the Province, but it would make a great deal of difference if we had a Temperance Government for five years. Politics do not after all count for very much when the interests of the people are at stake, and you will have to learn to lay less stress upon your political leanings where principle is at stake."

After a prolonged discussion it was decided to push the "Banish-the-Bar" movement and to ask the Government to limit the hours for keeping the bars open. It was resolved to adopt the political plan of support-

ing pledged temperance candidates in accordance with the policy followed by the Dominion Alliance. The following requests were presented to the Government:

1. That the Government refuse to grant any new licenses during the continuance of the present war.

2. That the hours of sale be shortened, making the opening hour 8.00 a.m. and the closing hour 6.00 p.m.

3. That the Government at the next session of the Legislature pass an enabling Act so that the question of Banish-the-Bar be submitted to the people at the municipal elections in December, 1915, and upon the municipal franchise, with a straight majority vote and without any minimum requirements.

On January 5th, 1915, the Premier replied to the effect that the Government had notified the Liquor License Board that no action be taken towards granting licenses for new premises before the end of the year. He repeated his reply that the Government could take no action with reference to their other requests owing to the prevalence of unemployment during the winter season. A good deal of unnecessary vituperation arose over this correspondence. The Premier accused the temperance workers of a lack of courtesy, and Principal Lloyd made subsequent reference to this "famous or rather infamous" letter.

In the early spring events moved with great rapidity. On March 3rd strong resolutions were adopted by the Regina Presbytery:—



"That we continue our fight against the liquor traffic with total prohibition as our ultimate goal, and that in the meantime we support by all the means in our power the Banish-the-Bar Campaign and the Committee's recent action of organizing a league of voters who promise to support at the next Provincial election only those candidates who take a definite pledge to further the Banish-the-Bar legislation."

"That we urge upon the Premier and the Provincial Government the closing of the bars throughout Saskatchewan, or at least a considerable shortening of the hours of sale, during the continuance of the war, believing the measure to tend towards the conservation of the material and human resources of the Province and to be most necessary during the present time of depression."

Other religious organizations passed similar resolutions. On the same date, March 3rd, 1915, the Dominion Alliance, in a large Convention of 2,000 delegates in Toronto, passed resolutions asking for the prohibition of the manufacture and sale of liquor during the war. At this Convention Mr. N. W. Rowell, then leader of the Liberals in Ontario, declared:

"There is no time for zig-zag movement in the suppression of the liquor traffic at this time, when the leaders of the great armies of the world bear testimony that the use of liquor injures the efficiency of the soldier and hurts his offensive and defensive qualities."

The first suggestion that anything approaching drastic action was contemplated by the Provincial Government was given in an address to the Convention of rural municipalities in Saskatoon on March 10th by the Hon. George Langley. He said amid great enthusiasm:

"We have a monster in our midst in the shape of the liquor interests, and I would be ashamed to be a member of any Government that did not do its utmost to drive this monster out of the Province. You will not be asked to wait very long before the Government takes action and I issue a solemn warning to those who are now making their living out of the liquor traffic as to the intentions of the Government."

A lively newspaper discussion was precipitated by this announcement. Was Langley breaking away from the Government? Would Scott go back on his previous positions? The field organizers for the Banish-the-Bar campaign reported that the interest in the movement was "constantly increasing." Then came the amazing speech of the Premier at Oxbow on March 18th. The Government undertook:

"To close retail liquor stores at 7.00 p.m., beginning April 1st;

To submit to the Legislature in May a measure for the abolition of all bar and club licenses from July 1st, 1915, until the end of the war and for the taking over by the Government of the wholesale liquor business throughout the Province immediately;

To provide in the measure that, following the end of the war, bar and club licenses should not be revived except as a result of a referendum on the question to be taken at the time of the municipal elections held after peace was declared, but not earlier than December, 1916, a majority vote to decide.

To provide for the maintenance of liquor dispensaries under a Commissioner having a status similar to that of the Provincial Auditor and to make strict regulations as to quantities for sale and to establish dispensaries in towns and villages where there were no wholesale licenses only after taking a referendum of the electorate in these places;

To provide for the decision of the people in 1919 or any subsequent year on a petition of 25 per cent. of the people voting at the next preceding election as to whether the dispensaries also should be abolished."

Premier Scott pointed out in his address at Oxbow that there had been a remarkable change in public opinion concerning the evils of the liquor traffic. Russia had introduced Prohibition, France had abolished absinthe, Great Britain had introduced additional restrictions,—all because of the financial strain of the war. Manitoba had shortened the hours of sale in December; in Alberta a plebiscite for June had been arranged for. In Saskatchewan the war had accentuated the financial strain. The Government had thought it unwise to move in December with the Province facing severe winter months and with thousands of unemployed. He continued:

"In a general way I make the claim that the Government of which I am the head has during its ten years of life been constantly desirous of going as fast and as far in the direction of curtailing the liquor traffic as the people would approve and help to enforce. It is a very different license law we have to-day from the law as we found it in 1905. I think, too, the administration of the law has been good. In fact, I am sure that no person or Board anywhere ever did administer work in connection with a liquor law more faithfully, capably and successfully than the Board of Commissioners has done which we created seven years ago. We placed a Local Option law on the statute book which, I believe, is as nearly perfect as any other Local Option law,—anyway, if it is not a good law I do not want to carry all the blame because there was scarcely a single suggestion for its strengthening ever made by the officials of the temperance organization which we did not adopt. Fifteen months ago the Government was asked to provide for a referendum to decide whether all retail bar and club licenses should be abolished. We immediately agreed to do so. We said that the proposed new system meant a radical change. We should be responsible for administering the new system; in this Province the proposal was a new one. So as to safeguard against having to handle a system lacking a sufficient body of public opinion to help to reasonably well enforce it, there should be a condition named to the

effect that a minimum of 50,000 notes should be cast in favour of the new system to bring it into force. The Banish-the-Bar Committee wanted no such condition, but they would have agreed to some minimum, not so large as 50,000. They flatly informed me that they would wash their hands of a measure naming 50,000 as a minimum. I could not assent to less than 50,000. I withdrew the measure. Such a safeguard is no longer necessary. The Government now entertains no doubt as to the body of opinion or the strength of opinion which favours the drastic curtailment of the evils of the liquor traffic. The views of such a body as the Grain Growers, expressed so far as I know without a single dissenting voice, is significant. And the same views are being expressed in a score of ways. Not alone the farmers, but the bankers, the loan company men, everybody with a financial stake in Saskatchewan sees now that they cannot stand the strain of the traffic. What the Government proposes is in a sense a war measure.

To the question of compensation the Government has given painstaking attention and the conclusion we have reached is that as between the whole community and the license holders there is no fair way to work out a scheme of compensation. As between the license holders and the people there is no debt due by the people to the license holders. It cannot be disputed that in the ten years since the Province was erected the license holders in

Saskatchewan as a class have made enormous gains. Unfortunately hotel premises for years took on a speculative value like some other classes of property. Premises which cost, say, \$10,000 to create were sold for \$20,000 and resold for \$30,000. The people owe no debt to the business.

The proposal is drastic and the Government believes that public opinion is ready for and will approve this proposal, intended as a long and real step towards curing the liquor disease by entirely doing away with public treating through banishing the treating place, and at once and completely putting an end to private traffic and gain from the liquor business."

Although the Hon. Mr. Langley's speech had done much to prepare the public mind for bold action the proposals were received with a gasp of astonishment. The boldness of the conception, the suddenness of the move, coming after repeated refusals to take drastic action except upon the most careful safeguards, appealed to the popular imagination. Even the Leader of the Opposition was surprised into temporary praise,—“I think the Province is ready for advanced temperance legislation, and the step taken by the Government is one in the right direction.” The Chairman of the Banish-the-Bar Committee said:

“The temperance proposals of Premier Scott mark a new era in liquor legislation and are an achievement of which any Government might well be proud. The new measure will place Saskatchewan in the foreground of the

fight and set an example to the whole Dominion which is bound to have a salutary effect on the movement."

The Trades and Labour Councils applauded the action of the Government. Messages of commendation came from the other Provinces. "Well done, Walter!"; was the comment of Premier Sifton of Alberta. And Martin Woolf, the Liberal representative of Cardston, a well-known member of the Mormon Church, who was also a strong prohibitionist, declared:

"It will help us wonderfully. It comes into force just before the vote in Alberta is taken which makes it practically certain that we shall have prohibition in Alberta as a result of the vote."

It was not long, however, before the criticisms began to develop. The first jarring note came from the Saskatoon Star on March 20th:

"The feeling in Saskatchewan is not for a temporary measure of closing the bar during the war. The demand for abolition of the liquor traffic has been gaining strength these several years. . . . The time is now ripe to go all the way and to grant the people of Saskatchewan total prohibition."

On April 1st Principal Lloyd on behalf of the Committee of 100 expressed to the Government its appreciation of its proposals, reiterated its antagonism to the liquor traffic, approved of the suggested measures as a temporary expedient looking towards total prohibition, asked that consideration be given to

the assistance of the municipalities to aid hotels financially in their work of caring for the travelling public, and offered the following suggestions towards amending the Government's plan:

1. To confine the area for submission of the referendum to electoral districts, and to restrict the number of dispensaries to one in each electoral district. To throw the onus of petitioning for the establishing of the dispensary on the liquor sympathizers on the same terms as required for the voting proposed in 1919.

2. To give the people opportunity to vote the dispensaries out of places, where there had been wholesale licenses, at the next municipal elections. Unless these proposals were accepted the 25 per cent. of the 1919 referendum should be reduced to 15 per cent.

3. To provide for municipalities undertaking or assisting hotels in their work of caring for the travelling public.

Premier Scott received these suggestions favourably and promised careful consideration. He declared that the prospect of engaging in the liquor traffic was anything but inviting to him. The Government had entered upon this task with the view of strictly enforcing the law against the illicit sale of liquors. He expected odium both for the Government and for himself, but he was prepared to carry the enterprise through.

Early in April a Royal Commission consisting of the writer and J. F. Bole, M.L.A. of Regina, was sent



"to inquire into and report upon the system of liquor dispensaries or shops which recently existed in South Carolina under State control." A certain Moose Jaw journal made merry over the conscience of a Presbyterian Divine in undertaking this commission. The report was spread that there was no such thing in existence in South Carolina as a dispensary. The effect of this haziness on the situation is seen in the terms of reference of the commission itself in the words "which recently existed." The Saskatoon Star stated: "The Government plays April Fool on itself. It sends a Saskatoon man to investigate something non-existent." The Commission thoroughly investigated the situation that existed in South Carolina and reported to the Government on May 18th. The Commission found that the State dispensary system of South Carolina was faultily administered, was converted into a political machine, became permeated with graft, and found inadequate support in the enforcement of the law by the courts. The Commission stated that the whole success of the dispensary system would be very seriously endangered unless the temperance features of the dispensary rather than its revenue features were emphasised in actual operation, unless to the honest and efficient management of the dispensary system there were conjoined an energetic and faithful enforcement of the law, and unless the public mind condemned any and every attempt to use the organization of the system for political advantage. The Commission was unanimous in its conviction that in view of all the circumstances the State dispensary system, as it existed in law, could, with certain very needful modifications, if taken out of politics and kept

clear from graft, be applied to the Province of Saskatchewan. A series of over two dozen recommendations followed upon a close analysis of different aspects of the South Carolina system. The report of the Commission was never printed. The Government gave it the most careful consideration and the subsequent legislation shows the effect of it at every stage. A synopsis of the report was prepared for publication, the report itself was tabled in the Legislature, but not a single member of the Opposition read it, to the great relief of the Government, for the picture that the report gave of the South Carolina dispensaries was anything but flattering. The Commission recommended the dispensary as an improvement on the bar, and as a step towards the proximate and practical goal of increased governmental regulation and control. It at least removed the bar with all its pernicious social influences.

In the meantime the Province was being subjected to an unprecedented amount of temperance discussion. On April 13th the hotel and liquor men of the Province circulated a petition asking the Premier to take a vote in the form of a plebiscite before enacting the proposed legislation. At the same time it was stated by legal opinion that the Hudson's Bay Company could defy the Government in regard to the proposed laws and proceed with the sale at will of whatever drinks it cared to dispense throughout the Province. It was held that it could invoke its old privileges and compete with the Provincial authorities. It was pointed out, however, that if it did so, it would be acting contrary to the policy it had hitherto followed in relation to the local Governments. Dr. D. B.

Neely, M.P. for Humboldt, became the eloquent oracle of the liquor traffic. On April 23rd a notable debate took place between him and Principal Lloyd at Humboldt. Dr. Neely characterized the liquor law as "abortive legislation,"—

"The people of the Province have been handed a gold-brick and the temperance party believe that, as they have stampeded the Government into abolishing the bar and establishing Government control of liquor, they will be able to go down to Regina and stampede them into abolishing these Government dispensaries, but they will be sadly disillusioned."

A week later in Saskatoon Dr. Neely summed up his reasons for the stand he took against the temperance legislation:

"I am opposed to the temperance proposals of Premier Scott on four grounds:

1. Because of the methods by which it is proposed they should be enacted, the methods of the steam roller and the big stick.

2. Because they sail under false colours and are in no sense what they presume to be, for while they claim to be advanced temperance legislation in the sale of liquor they merely substitute the bottle for the glass.

3. Because if they become law they will retard progress and stand in the way of true temperance reform.

4. Because they will place in the hands of the Government, which is already firmly entrenched with powerful weapons, the potent

and mighty influence which a monopoly of the liquor traffic would create.

I believe that if these proposals are placed on the statute books of this Province the public life of Saskatchewan may become so corrupt that the temperance people, who are now supporting the proposals, will hang their heads in shame for the endorsement they have given to the proposals initiated, inaugurated and brought into life by Walter Scott and his now famous Committee of 100 citizens of this Province.

A Conservative Convention was summoned to meet in Moose Jaw to consider the new situation that had arisen. In addressing it on April 27th Mr. Willoughby, Leader of the Opposition, who had evidently seen new light since his earlier endorsation of the proposals, said:

"The Government has taken to itself the entire wholesale trade of the Province. To this I am utterly opposed. If it is economically and socially wrong to continue the use of liquor in this Province, then I will not be a partner in the business. The permanent policy of the Conservative party in the temperance question is to submit the question of total prohibition, so far as the Province has power, to a vote of all electors, the vote to be taken at the municipal election to be held first after the next general Provincial election. If the referendum carries in favour of total prohibition, then the Conservative party will in-

troduce such measures as may be needed for enacting total prohibition to go into effect one year after January first following such municipal election. If the referendum does not carry then the entire administration of the liquor license Acts of the Province should be placed under an independent Commission free from all political control and responsible to the Legislative Assembly. The Conservative party is opposed to Government dispensaries either as a temporary or a permanent policy."

The Saskatoon Star on April 29th declared that neither Premier Scott's nor Mr. Willoughby's temperance policy was just what the people desired,—

"There is no doubt that the dispensary system opens up a field for corruption and debauchery, and may very easily, and quite likely will become a much greater evil than the open bar. On the other hand, Mr. Willoughby's proposals put off the coming of total prohibition too long."

The Sales of Liquor Act which was to give expression to the temperance proposals of the Government was introduced into the Legislature by Hon. James A. Calder. It was assented to on June 24th, 1915. The preamble ran:

"Whereas it is desirable to abate some of the evils of the liquor traffic in Saskatchewan by doing away with a system of transactions in liquor over the bar and by establishing a

system of control and management under the Government of transactions in liquor which have their beginning and end within Saskatchewan."

The Act made provision for a Commissioner who was to be General Manager and hold office for a period of ten years and to be removable only by the Lieutenant-Governor-in-Council on address of the Legislative Assembly or in case of the abolition of the store system. No person might be appointed to a position in a store who during the previous five years had been engaged in any branch of the liquor business. Provision was made for examination, analysis and valuation of any stocks taken over. Liquor was to be sold in packages containing not more than eight gallons of beer, four gallons of wine, one gallon of any other liquor, and in no case less than eight ounces of liquor. Packages were to be sealed and labelled. The manufacture of liquor was not interfered with either for sale to the Commissioner or for export. Stores might be established in any city or town where there were premises licensed to sell liquor by wholesale, not more than three in any city or more than one in any town. Provision was made for closing the stores by referendum, by decision of the Lieutenant-Governor-in-Council or on report from the Commissioner that the receipts did not warrant the continuance of a store. Over the front door were to be the words "Liquor Store." A full view was to be afforded of the interior. There were to be no glasses, cups or drinking vessels brought into the store. Business hours were restricted to the period from 9.00 a.m. to 5.00 p.m. A manager could sell only for the price indicated on the package. Sales

were permitted only by package, for cash, with receipts given and duplicates kept. Provision was made for closing on Sunday, Christmas, Good Friday, Thanksgiving Day, election day, and on every statutory holiday. A full system of audit and record was inaugurated. Out of the receipts a payment of three-fourths of the sum payable to the Dominion for the services of the R.N.W.M. Police might be made. The Commissioner might issue permits to physicians and druggists authorizing them to sell certain liquors for emergency medicinal purposes, but not in a city, town or village with a drug store. Where there was a liquor store the permit was limited and available only for hours when the liquor store was closed. Physicians and druggists must secure their supplies only from the liquor stores. No package might be opened or liquor tested or tasted on the store premises. No public drinking was allowed on trains or street cars. Provision was made for the appointment of a director of prosecutions. The Province was divided into 67 liquor districts. In case a liquor district had in its borders one or more stores it had the right to decide by vote whether or not such stores should continue to exist. In case a liquor district had no store it had the right to determine whether or not one or more stores should be established. The votes were to be taken at the municipal elections. Provision was made for a referendum in 1919. If a district voted to close a store it must be closed within 60 days. If a district voted to establish a store it must be established within three months. A Provincial vote was to be taken at the municipal elections of 1919, upon the question whether or not the system of dealing with intoxicating liquors established by the Act should continue. If the

vote was adverse the system was to be wound up within six months of taking the vote.

Provision was made under a separate Act for the appointment of a Director of Public Accommodation, and for enabling municipalities to rent and lease buildings to provide for the travelling public. This was in answer to a threat of the former liquor sellers to close their hotels. The Premier also declared that such an action on their part would cause such a revulsion of feeling amongst thinking people that nobody would ever dare to suggest that the bar-room business be revived.

The bars went out of existence on June 30th, 1915. The Sales of Liquor Act closed in all 406 bars and 38 liquor stores. It brought into existence 23 Government liquor stores. Discussing the prospect Premier Scott stated:

“When the vote shall be put to the people in 1919 there shall neither be a strongly entrenched liquor interest in the Province to fight on their behalf, nor will there be at that time any revenue coming to the Government from the sale of liquor to prejudice people, for the profits of the system by that time will have been devoted to other objects. In the first year the Government will lose through this their revenue of \$50,000. Our revenue from licenses hitherto has been \$300,000. The first year under the new system profits to the Government will be restricted to \$250,000. These profits will be annually reduced, until in 1919 they will be altogether abolished.”



Liquor sellers outside Saskatchewan might take an outside dealer's license. But this gave no authorization to keep a stock of liquor in Saskatchewan. Orders might be taken for the sale of liquors in quantities of not less than five gallons or, in bottles, of not less than one dozen of at least three half-pints each, or two dozen of at least three-fourths of a pint each. Provision was made for monthly statements on oath. The basis existed for a mail order business with houses outside the Province, for the British North America Act provides that Provinces may not erect any barriers to inter-provincial trade. This did not assume great dimensions so long as the Government liquor stores remained to take the place of the bars and the wholesale liquor stores. But when they in turn were abolished this mail order business greatly developed.

The Government appointed J. F. Bole of Regina to be Chief Commissioner. Mr. Bole obtained the cooperation of the Provincial Audit Department to check over the stocks of liquor held by the late wholesalers and the 38 wholesale stores throughout the Province. Two expert liquor gaugers were furnished by the wholesale department of the Hudson's Bay Liquor Company of Winnipeg to assist the auditors in the gauging and valuing of the existing stocks. Much of the bulk goods and bonded stock was found to be short in measure and altogether deficient in quality. Some friction developed but, except in a few cases, the vendors accepted the Commissioner's gauging and prices. The Hudson's Bay Company shipped their entire stock at Prince Albert to Winnipeg. The other wholesalers accepted the prices for the greater part of their stock and shipped the balance out of the Province.

It was found necessary to establish a list of standard liquors to be taken over by the System. This excluded such items as absinthe, German wines, etc. On July 1st, 1915, stores were opened at Biggar, Battleford, Estevan, Gull Lake, Humboldt, Kamsack, Lbrydminster, Melfort, Melville, Maple Creek, Moose Jaw (East and West), North Battleford, Prince Albert, Regina (East and West), Rosthern, Saskatoon (East and West), Swift Current, Watrous, Weyburn, Yorkton. The Commissioner established a warehouse at Regina to supply stocks for the 23 stores, installed a bottling plant, made arrangements for packing, and engaged the services of a qualified analyst. Analysis was made of all liquors received at the warehouse, and full records and samples kept for identification. No liquors of the system's own bottling were sold without the analyst's certificate. Only the purest and best brands were handled by the Commissioner. As trade at the time in the Province was unusually quiet, the Commissioner was able to secure the services of a number of business men of excellent standing for management of local stores.

On July 5th, 1915, a banquet was tendered Premier Scott by the temperance workers of Saskatoon. Mr. N. W. Rowell who was also present paid the following tribute to Mr. Scott:

"The courageous and patriotic achievement of Mr. Scott has won for him not only a commanding place in the heart of the Province, but has given him a unique position among the Premiers of Canada."

Premier Scott was emphatic in pointing out that the elimination of private gain in the liquor traffic was

not only a valuable reform in itself, but it paved the way toward, and reduced the intensity of the fight for, more substantial reforms. He impressed upon his audience the necessity of preparing for the last great fight.

It soon became apparent that a great decrease in drunkenness might be expected under the operation of the Act. While the decrease in the large centres was large, it was still more evident in the smaller places. A change for the better was observed in railway trains where drunken disturbances had been the cause of frequent annoyance to passengers. They now became very rare. The cases of drunkenness for the towns and cities during the first three months of the operation of the Sales of Liquor Act exhibited a remarkable falling off as the following table indicates:

Place,	July, August, September,		
	1914.	1915.	Decrease.
Moose Jaw .....	294	74	220
Regina .....	249	58	191
Saskatoon .....	137	64	73
Prince Albert .....	61	16	45
Swift Current .....	41	1	40
North Battleford .....	35	8	27
Melville .....	22	nil	22
Weyburn .....	35	15	20
Humboldt .....	15	nil	15
Estevan .....	19	nil	19
Rosetown .....	4	nil	4

The total number of convictions in the Province under the Sales of Liquor Act for the first six months was 329.

On January 27th, 1916, Commissioner Bole reported to the Government:

"A careful examination of the police records of the Province will show a remarkable reduction of offenders charged with drunkenness and crimes resultant from drink. It must be conceded that this is mainly due to the closing of the bars and the consequent demise of the "treating" system." I have endeavoured rigidly to enforce the law regarding the refusal to sell to persons intoxicated or to interdicts, and to administer the Act with the object of curtailing the consumption of liquor as much as possible.

"The aim of the officials responsible for the carrying on of the system has been to supply sound liquors at reasonable prices and in moderate quantities to those legally entitled to purchase the same. It is the consensus of opinion of the store managers that the main volume of trade done is with men of mature age and that but little liquor is purchased by young men. No complaints against any liquor store manager as to breaches of the law have been made to me. The decrease in sales of liquor under this system has been from 80 to 85 per cent., or, in other words, if the open bar system was in effect they would be selling from 500 to 600 per cent. more than is being sold under the present system."

On December 9th, 1915, Arthur Wilson, Municipal Adviser under the Hotel Act, said to the Saskatoon Phoenix:

"I wish some of your city men could have been with me during the last three months on my visits to the towns and villages throughout the Province and heard the commendations with regard to the new law. Farmers and business men alike are unanimous in regard to the benefits which it has conferred upon the Province. Men who used to spend their dollars in the bars now go home in a proper condition, and their money goes where it should, into the right channels. There is no doubt about the general feeling of satisfaction which the banishing of the bar has wrought throughout the Province."

In December, 1915, J. F. Bole, the Chief Commissioner, wrote that the purchase of beer for four months had amounted to \$82,000, "and it is easy to prove that this is not ten per cent. of what was sold under the open-bar system." The Saskatoon Phoenix had editorials on the subject on December 27th and 31st, 1915. It stated:

"It has been generally admitted that the reform initiated by the Scott Government has had far-reaching effects, and that the whole community has gained immeasurably by the limitation of the liquor traffic.

It is gratifying to find that, in the main, temperance workers throughout the Province are satisfied with the step made and are not regretting the cordial endorsement they gave to the proposed legislation when introduced in the House.

It is necessary that it be thoroughly understood that there is nothing final about the liquor system as now established. It is a compromise, and, like all compromises, will disappear to make room for something better when it has served its purpose."

These editorials were prompted in part by the results of the liquor votes in connection with the municipal elections on December 13th, 1915. Three districts had voted to close their liquor stores,—Gull Lake, Watrous and Biggar. Four districts, then without liquor stores, had voted against establishing them within their bounds,—Wadena, Vonda, Churchbridge and one other place. In every instance the vote had been decisive.

In the Legislature on January 19th, 1916, the Leader of the Opposition declared that the Premier had loaded the Province with a dispensary system "that no one wanted and that everyone damns." But on the same day E. S. Clinch, M.L.A., of Shellbrook, said that in his own district an extremely small amount of liquor had been in use since the passing of the Act. The great reduction in the consumption of liquor had had a great and beneficial effect throughout the Province. One thing had been particularly noticeable, the effect of the legislation among the farmers of the Province. Under the old methods the farmers came to town, "not all of them, mind you, but a large number," and returned home after selling their grain with very little in pocket as a result of a too frequent visitation to the bar. "With this new legislation this is no longer the case. The bars have gone; and the temptation has been removed from the town and from the farmer."

On January 19th, 1916, the Committee of 100 of the Saskatchewan Social and Moral Reform League went on record in their Convention at Regina as favouring total prohibition. They asked the Government to abolish the remaining liquor stores within the Province and so to amend the Sales of Liquor Act as to necessitate the closing of all liquor stores within the Province after June 30th, 1916. An amendment asking that the Government have a plebiscite at the next municipal elections in December, 1916, when the people might decide whether or not there should be total prohibition, was lost. Only seven members voted for it. Shortly afterwards Premier Scott handed out a statement that the liquor stores would not be abolished in Saskatchewan unless the Dominion Government passed a measure of total prohibition, preventing the importation of liquor into the Province. He pointed out that the machinery for ousting the stores was already in the hands of the temperance forces through the present Act, and that the remaining seventeen districts could be voted out next December. When asked whether or not the remaining liquor stores would be closed after the vote was taken in the Province if only a few stores remained open, he stated that the Government would be willing to take this step.

Another phase of the question arose in connection with the closing of the bars, viz., the keeping open of the hotels. Owing to persistent rumours that many hotels would be closed immediately after the hotel-keepers had been deprived of the privilege of selling intoxicating liquors steps had been taken to impress upon the municipal authorities the importance and advantages to be gained by putting into effect the Hotel

Act which the Government had passed to cope with the situation. The Director of Public Accommodation had issued a pamphlet explanatory of the purpose and provisions of the Act. Applications for provincial assistance under the Act were made by 153 municipalities. The total assistance given by the Government during the first six months of the operation of the Act, to December 31st, 1915, was \$41,345.

Of course new problems emerged. It would be impossible to describe or even indicate all these. The stated case *Rex ex rel Donald v. Cordray* on which judgment was given on July 14th, 1916, will indicate the ingenuity with which men sought to circumvent the liquor legislation. One D. W. Hines was convicted by the police magistrate of Saskatoon of unlawfully keeping liquor on certain premises for the purpose of sale, barter or exchange. Hines had found that certain of His Majesty's volunteers stationed at Saskatoon laboured under great difficulty in finding a suitable place to drink beer and he had conceived the idea of opening up a soldiers' "Rest Room." The place was known as "The Home of Farmer Hines." At this "Home" all soldiers received a hearty welcome, a keg of beer was always kept on hand, and any soldier who was so disposed could partake of the contents to his capacity. In the event of his being incapacitated he was cared for in a room upstairs which might be called the "Rest Room" proper. On the outside of the building and above the entrance door was the following sign,—"The Home of Farmer Hines. Come in and get acquainted." All soldiers were welcomed, a membership register was kept, and it was expected that each member would pay an entrance fee of one dollar. This



fee, however, does not appear to have been compulsory. During that month the contents of some twenty kegs of beer were consumed by those who visited the so-called "Home." On a window sill inside the building and in full view of all those who entered, an iron pot or kettle was kept. This pot was kept covered and locked. Prominently on the pot was printed the following striking message:

"Keep the pot a boiling, every man according as he purposeth in his heart so let him give, not grudgingly or of necessity for God loveth a cheerful giver, 2 Cor. 9:7. So does Farmer Hines."

The visiting soldiers were expected to deposit money from time to time, but were not compelled to do so. No record was kept of this money nor by whom deposited. Farmer Hines or his representatives kept control of the key of the pot and of the contents. With this money he purchased the beer, and at times when there was danger of the soldiers out-drinking the equivalent of the contents of the pot the farmer apparently was obliged to draw on the funds obtained from the members' fees to meet the emergency. The question that was submitted in the stated case was: Did the accused keep liquor on the premises for purpose of sale, barter or exchange? The question was answered in the affirmative and the conviction was affirmed.

In *Rex v. Druggist Sundries Co., Ltd.*, a judgment was handed down on November 28th, 1916, according to which a registered proprietor of a patent medicine holding a certificate from the Dominion Government under The Proprietary or Patent Medicine Act could not be prosecuted under The Sales of Liquor Act for

selling it, even although it contained a higher percentage of alcohol than was permitted in the Act. Amendments and orders-in-council caused this regulation to be reversed. Consequently on July 3rd, 1918, a judgment was delivered in *Rex ex rel Hayes v. Campbell's Pharmacy, Limited*. The effect of this was that a mixture such as Kennedy's Tonic Port which contained more than two and a half per centum of proof spirits with a variegated salad of other ingredients, and was capable of being used as an alcoholic beverage, was liquor within the meaning of Sec. 3 of The Saskatchewan Temperance Act, 1917, and its sale was not permitted by the Provincial order-in-council of April 24th, 1917, as subsequently amended. The fact that it was registered under The Proprietary or Patent Medicine Act, which, as we have seen, was a Dominion measure, did not, after the amendment by 7 and 8 George V., 1917, ch. 30, 4d, relieve the seller from the necessity of complying with the Provincial law.

We have seen that the original expectation was to take a vote in 1919 upon the continuance of the liquor stores under the Sales of Liquor Act. But in 1915 all proposals looking to an extension of the system were defeated, and all proposals which had for their object the curtailment of the system were endorsed. The seriousness of the military situation and the growing temperance sentiment were decisive. The Government believed that public opinion was ripe for the abolition of the whole liquor store system and for the introduction of prohibition. Accordingly it made provision for the taking of a Province-wide vote at the municipal elections of 1916. "Banish the Booze" and "Vote out the Liquor Stores" became the slogans of the daily

papers, even of those whose reputation for temperance sympathies in other days was not pronounced. Voting took place on December 10th, 1916. The result was decisively against the continuance of the system,—For the liquor stores, 23,666; Against the liquor stores, 95,249. Hardly half a dozen individual polls in the whole Province gave a majority for the liquor stores. In many villages there was not a single vote in favour of the system. The vote of the 57 incorporated towns favoured the abolition of the liquor stores by nearly 10 to 1. The vote in the cities was:

Cities.	Yes.	No.
Regina .....	4,208	961
Saskatoon .....	4,245	472
Moose Jaw .....	3,690	536
Prince Albert .....	933	200
Weyburn .....	738	55
Swift Current .....	714	62
North Battleford .....	891	144
<hr/>		<hr/>
Total .....	15,419	2,430

The Regina Leader, December 12th, 1916, declared:

"Saskatchewan rose in its might yesterday and entirely flung off the shackles of King Alcohol which Hon. Walter Scott first loosened in his famous speech at Oxbow in March, 1915. By that declaration, quickly followed by legislative action, the Provincial Government swept every bar in Saskatchewan out of existence and thereby minimised the drink traffic to a marked degree. Yesterday the men and women of the Granary Province

by an overwhelming vote showed their disapproval of any connection whatever with liquor, and the dispensaries were wiped out of existence."

Women voted in large numbers and contributed to the size of the majority against the stores, but there is no doubt that the verdict would have been decisive even without their assistance. Although the Government had by the terms of the Act six months in which to close up the system, the Attorney-General had declared that, if the vote was against the liquor stores they would be closed on the last day of the year. The vote was overwhelming. On January 1st, 1917, there were no liquor stores in operation in Saskatchewan. This experiment had lasted eighteen months. The liquor stores had served a purpose. They were the transition step between the abolition of the bar and club licenses and wholesale licenses on the one hand, and total prohibition on the other. They had greatly restricted the sale during the year and a half they had been under operation, and had paved the way for the complete elimination of the traffic.

That the experiment had proved a trying experience for the Government is indicated by subsequent declarations of members of the Government. The Attorney-General said:

"We were in the liquor business once, but never again, never again."

The Minister of Municipal Affairs stated:

"All Governments in Canada will be wise to adopt a policy of "hands off" in as far as directly carrying on a liquor business is con-

cerned. We were fortunate in getting it out of our hands without any whisper of scandal, but the members of the Government were carried almost to the point of nervous breakdown in anticipation of unavoidable disaster. It seems the easiest thing in the world to talk of selling liquor in sealed packages, but that necessitates the creation of liquor warehouses, the shipment of liquor in bulk, a large bottling institution, in fact all the general work of carrying on a liquor business. Every man in the business would be a Government official and the Government is stained by the sights that are unavoidable. Further, every man or woman seen under the influence of liquor is pointed out as a victim of the Government's sins. I know there are a great many people actuated by the best intentions who say that the Government can safely be allowed to carry on such a business, but our experience was that a Government was just as liable to get into trouble as a private corporation. Good, capable men in the Government do not want to be saddled with the responsibility."

Some conception of the amount of business done by the liquor stores can be secured from the Commissioner's report of February 22nd, 1917:

"Immediately the stores were closed we set about assembling all the stocks at the warehouse in Regina. This was done and the stock offered for sale. A small portion of the stock was sold direct from the stores to exporters to save the expense of freight. We

have approximately 30 carloads of stock to ship."

The stock on hand at December 30th, 1916, was:

Liquor and wines .....	\$155,023.02
Beer and minerals .....	6,391.02
Manufacturing sundries .....	8,266.15
	<hr/>
	\$169,640.19

For the half-year ending December 31st, 1916, there were the following statutory charges:

Director of Prosecutions.....	\$32,455.13
Administration of Hotel Act.....	7,961.37
R.N.W.M. Police .....	46,875.00
Executive Council, Referendum....	22,334.55
Net Profit .....	680,371.69
	<hr/>
Net Business Profit.....	\$789,997.74

The store sales for the half-year ending December 31st, 1916, were \$2,065,106.83. The sales to druggists were \$17,666.20. The cost of the liquor and wines handled was \$928,820.80; of the beer \$216,564.38.

## CHAPTER VIII (b).

### THE USE AND REGULATION OF LIQUOR IN SASKATCHEWAN. (b) FROM THE ABOLITION OF THE LIQUOR STORES TO THE PRESENT.

The year to which this narrative has now come, 1917, was the year of Vimy Ridge, Hill 70, and Passchendaele. It was the year that the Allied Forces began with such high hopes after the battling of the

Somme. It was perhaps the danger year of the whole war. The morale of the French was at its weakest. Their commander-in-chief was displaced. The submarine menace was at its height. Passchendaele was an effort on the part of the British to save the morale of the Entente. It was perhaps more political than military. But the British were in danger of seeing the year pass with their objective ungained. So the Canadians were thrown into the breach. They took Passchendaele. It was for morale. So, too, the political changes, in the mother country, and in Canada. The activity of Lloyd George in Great Britain, and the formation of the Union Government in the Dominion were with a view to efficiency, united effort and a strengthening of morale.

This desire to conserve strength and foster morale was evidenced in the keener interest taken in all parts of the Dominion in the stricter control and regulation of liquor. In Saskatchewan the Legislature in March passed a new Temperance Act, and at the same time an Act to prevent Sales of Liquor for Export. These were assented to on March 10th, 1917. This latter was pronounced ultra vires by the Supreme Court of Saskatchewan. The former regulated the sale of liquor for the purposes, for which alone liquor might yet be sold within the Province,—medicinal, manufacturing and chemical purposes. The Lieutenant-Governor-in-Council was authorized to make regulations to govern the use or sale of liquor for educational and sacramental purposes. What had been achieved, and that was much, was that the Province had put an end to sales for beverage purposes only that originated within and were concluded within the Province. It had no

power to restrict or to prevent the importation of liquor from sources outside the Province. And it had no wish to stop sales for sacramental, educational, manufacturing, chemical, or medicinal purposes. It attempted to put an end to sales for export, but without success. It seemed clear that the Province had arrived at the limit of its jurisdiction in dealing with the liquor question. The Dominion Government had, it is true, passed the Doherty Act which provided that liquor should not be imported into any Province for use in that Province which was contrary to the law of that Province. The various Provinces had not unnaturally exhibited an unwillingness to avail themselves of the provisions of that Act.\* The consequence was that in Saskatchewan, at least, a thriving mail order business was developed with liquor houses outside the Province. It was felt that to attempt to abolish this inter-Provincial trade was to contravene the provisions of the British North America Act. Thus were the hands of the Province tied.

Meanwhile the Saskatchewan Temperance Act came into force on May 1st, 1917. This did not interfere with the manufacture of liquor. It authorized the Attorney-General to issue permits to physicians residing in places where there was no drug store, and to druggists, and wholesale druggists. Druggists who received permits might sell liquors for medicinal purposes only. No one might be sold more than eight ounces of brandy or rye whiskey unless he lived more than five miles from a physician's office or drug store,

---

\*The Doherty Act could only be made operative to stop importation into the Province by the Province making it illegal to have or consume intoxicating beverages, even in one's private home. This would be going much further than has ever been proposed, and would be changing the law from a trade law into a sumptuary law.



in which case the amount might be doubled. No person might consume liquor at any place except in a dwelling house.

The Dominion Orders-in-Council were passed under The War Measures Act, and continued in force only till December 31st, 1919.\* Before their expiration the Dominion Parliament amended The Canada Temperance Act, commonly called the Scott Act. This Act had provided for local option on the basis of municipalities. The addition of Part IV. to the Act widened the scope of the local option from municipalities to Provinces:

"Upon the receipt by the Secretary of State of Canada of a duly certified copy of a resolution passed by the Legislative Assembly of any Province in which there is at the time in force a law prohibiting the sale of intoxicating liquor for beverage purposes, requesting that the votes of the electors in all the electoral districts of the Province may be taken for or against the following prohibition, that is to say,—that the importation and the bringing of intoxicating liquors into such Province may be forbidden; the Governor-in-

\*A Dominion Order-in-Council of December 22nd, 1917, prohibited the importation of intoxicating liquors into Canada on or after December 24th, 1917, "unless actually purchased for importation into Canada before the 31st day of January, one thousand nine hundred and eighteen." This was amended on January 19th, 1918, to read: "No intoxicating liquors shall be imported or brought into Canada on or after the 24th day of December, one thousand nine hundred and seventeen, unless actually purchased for importation into Canada before that day, and actually shipped by the vendor or consignor on or before the 31st day of January, one thousand nine hundred and eighteen, and, unless evidence satisfactory to the Minister of Customs, of the purchase and shipment having been made is submitted to the said Minister." Subsequent Dominion Orders-in-Council were passed in March, 1918. The net result of the Dominion Orders-in-Council during the period November, 1917,—March, 1918, was that they forbade the shipping of liquor for beverage purposes into dry areas and also the manufacture within or importation into Canada.

Council may issue a proclamation in which shall be set forth:—(a) the day on which the poll for taking the votes of the electors for and against the prohibition will be held, etc.”

In case the result of the plebiscite proved favourable the Act further provided that:

“(a) No person shall import, send, take or transport into such Province any intoxicating liquor;

(b) No person shall, either directly or indirectly, manufacture or sell or contract or agree to manufacture or sell, any intoxicating liquor to be unlawfully imported, sent, taken or transported into such Province.”

A simple majority was sufficient to carry. In accordance with this plan the Saskatchewan Legislature passed a resolution requesting that the votes of the electors of the Province be taken for and against the importation of intoxicating liquors into Saskatchewan. The resolution carried unanimously. The date for taking the vote was set for October 25th, 1920. The effect of the passing of the plebiscite would be to prohibit the importation and bringing of intoxicating liquor into the Province for beverage purposes. There were still four legitimate purposes for which liquor might be imported: medicine, sacraments, manufacturing uses and chemical uses. The importation of liquor for these purposes had still to be regulated by the Province. In introducing a measure to deal with the bringing in of liquor for these uses the Attorney-General stated:

“We have never had any difficulty in the matter of liquor imported for sacramental,

manufacturing or chemical purposes. Our difficulty has been in the matter of liquor imported for medicinal purposes."

The Bill was introduced on January 22nd, 1920, by the Hon. Mr. Turgeon. It was entitled an Act to regulate the sale of liquor. Impressive speeches were made in the debate by the Attorney-General, by the Leader of the Opposition, and by the Soldiers' Representative. The Hon. Mr. Turgeon's deliverance was an exhaustive review of the whole question of the regulation of liquor in the Province.\* He said in part:

"I can tell you roughly that the cost of policing this Province has increased from about \$140,000 to \$350,000 a year.† I can tell you that at least four-fifths of the time of the Provincial Police is taken up in enforcing this particular law and one-fifth in enforcing the whole of the criminal law of Canada and the other laws in force in this Province.‡ Since the coming into force of this present Act on May 1st, 1917, there have been 1,803 cases tried in this Province for infractions of the law. The great majority of them were tried before our regular Justices of the Peace, and I find that out of these cases there were 1,596 convictions secured and 207 dismissals. That

---

\*See Journals and Sessional Papers, Session 1919-20, page 183.

†The fact was that the first year, 1917, that the Provincial Police took charge of the administration of the law in Saskatchewan, the actual cost was \$207,093; in 1918, it was \$302,516; in 1919 it was \$359,442.

‡The fact was that the total number of cases entered for prosecution by the Provincial Police was 5,342 in 1917; of these 420 were under the Saskatchewan Temperance Act. In 1918 out of 5,334 there were 248 liquor cases. In 1919 out of 3,826 there were 533 liquor cases.

is, over 85 per cent. of the charges tried resulted in verdicts of guilty. If the object of prohibition is to reduce drunkenness and the abuse of liquor, I think much has been done towards the attainment of that object. Does anyone wish to state that conditions are by any means at all similar to what they were when we had over 400 bars open all hours of the day and some 40 wholesale houses? I quite agree with what my honourable friend from Souris (Mr. Fraser), said at the beginning of this session, when, speaking for his own locality, he stated that for every bottle of liquor consumed now there were at least two barrels consumed in the old days. Drunkenness has almost entirely disappeared from our streets and drinking has been reduced by a considerable extent. Unfortunately we cannot deal with the liquor situation in the Province to-day without dealing with the question of physicians and druggists. The druggist must sell only on the physician's orders and must treat liquor only as a medicine, and one assumes the physician will treat it in the same way.

I know very well that when a plebiscite is taken the people of Saskatchewan are going to vote for prohibition. I for one have no doubt at all on the question. Our policy on the question is to carry into effect, as best we can, the will of the people.

The Federal law allows the importation of liquor for medicinal, sacramental, manufactur-

ing and chemical purposes. It then becomes our duty to see that regulations exist within the Province for handling the liquor which may be brought in legitimately. We should endeavour to set up new machinery. All liquor which is to be handled in this Province for medicinal purposes must be handled through a Commission of three members. But immediately other questions arise. Why not handle it yourselves? Let me say the most emphatic kind of 'No.' There was a time when we did handle the liquor traffic in this Province for beverage and all other purposes. The revenues of the Province certainly benefited by it. I think we made about one and a half million dollars profit in one and a half years of trade. And the business was conducted, I am positive, with the greatest of efficiency and integrity. For all that, with the experience of what it meant to us then, what it meant to the Government in the way of annoyance and of the reputation of the Government and of the members of the Government we say, 'No, thank you.' We are out of the liquor business for good. Or again, it may be said, 'Have you a purchasing commission to resell to the druggists as in British Columbia.' Again we say, 'No, thank you.' In so far as this Government is concerned or any Commission appointed by it, the bargaining for liquor, the handling of money, the temptation of money, are not going to be there at all."

The most notable features of the Bill which passed February 3rd, 1920, by a vote of 40 to 6 were:

(a) The creation of a Liquor Commission for the Province. This consisted of three persons. While it did not itself buy or sell liquors, every transaction in liquor in the Province came under its supervision. Every order from a retail druggist to a wholesaler had to pass through its hands and be subject to its approval. All prescriptions had to be reported to it monthly. If in its judgment any physician misused his right to issue prescriptions, or any druggist his right to have liquor, it might withdraw these rights.

(b) The Chairman of the Commission was made Chief Inspector for the enforcement of the temperance laws. He was to have for this purpose a Director of Prosecutions, a barrister, whose duty it was to see that the laws were enforced.

In the debate on this Bill the Leader of the Opposition, Mr. Donald Maclean, stated:

"Our jails have been filled, our drug stores have carried on a tremendously large business in liquors, some of our druggists have got extremely wealthy on the sale of intoxicating liquors. We have had people before our J.P.'s commit perjury; we have had informers; we have had a condition that not only did not give us prohibition in actual practice, but gave us in some respects a greater excess of the evils of intemperance than existed under the open bar system. In addition to the evils of intemperance that prevailed during all that period we have developed a large number of men who thoroughly dis-

respect that law and, I am afraid, have developed a general disrespect for other laws. We have had a number of people wasting their time in jails. Our jails have been filled—a condition that can only be accounted for by offences under this legislation—and it will be necessary to build other jails if these conditions continue. Do we want that state of affairs to continue? The reason for it we all know. Public opinion in this Province at the present time is not behind a Prohibition law.

What does this present Bill purport to do? It is very much like the statute now in force and if the plebiscite we contemplate in the resolution carries we shall have on paper the same condition as we had from April 1st, 1918, to December 31st, 1919. We know that our police cannot cope with the situation. I have not the slightest doubt that in the cities of the Province a larger quantity of spirits, whiskeys, brandies, have been consumed during the last six months than in any period of six months under the conditions of the open bar.

Is that the kind of prohibition we want? Is that the kind of temperance progress we want? Is that abating the evil of intemperance? That is the question.

This Bill will develop a crop of bootleggers again and one of the classes of people we do not want is the illicit-still man. We do not want him as a lawbreaker, nor the stuff that he sells.

In the early part of the war, when public feeling was running high, I thought there was sufficient public sentiment in the country to back up a real Prohibition law if we could have one. Whatever sentiment there was disappeared on Armistice Day. I think the Premier and some of the members of the Government set the time as at the outbreak of the influenza epidemic. I think it was Armistice Day, and ever since and, with the restraint of the war removed, people said, "Let us let loose on this occasion," and things have remained pretty loose ever since.

Provide one or two supply houses. Place them under strict Government control. Governments must take responsibilities as well as praise. If the Government does not want to assume the responsibility direct, form a Commission. Let the order be by mail. In regard to malt liquors, beer, make your restrictions a little more liberal."

Harris Turner, Soldier Member, declared in debating this Bill:

"Drinking in the bars was bad but it was honest. Now it is illegal and essentially bad and you find people getting off into club rooms and corners, and the drinking is far worse. There is perhaps not so much as under the open bar but what there is is infinitely worse in form.

I am not advocating the return of the open bar. I have heard no one favour its re-



turn. Those who ran the hotels in the old days upset their own business. I think, and honestly think, that if you had some system of regulated sale of spirits and a freer sale of light beer in the Province at the present time you would have a much more contented people and much better temperance, and you would get away from the hole-in-the-corner depravity and from the fact of people perjuring themselves."

The stages in the history of the temperance question from the abolition of the liquor stores to the present may be briefly indicated:

1. From January 1st, 1917,—April 1st, 1918.

During this period there was Provincial Prohibition, but liquor was quite easily obtainable as a beverage by mail order, from houses outside the Province.

2. From April 1st, 1918, to Armistice and outbreak of influenza.

This is conceded to have been the "driest" period in the history of the Province. On April 1st, 1918, the Dominion Government under The War Measures Act passed an Order-in-Council prohibiting the importation of liquor into one Province from another Province, or from outside Canada. The Attorney-General bore testimony to the way that physicians and druggists lived up to the spirit of the law. The untoward events on the Western Front associated with the Ludendorff Push tended to sober all sections of the community.

3. From the Armistice and outbreak of influenza to December 31st, 1919.

When the "Flu" came there was no little element of panic in the minds of the people. They turned readily to any suggested remedy. The Armistice had seemed to remove the military reasons for prohibition. In any case a laxity developed. Larger supplies were stocked by druggists. Physicians exercised a greater liberty to prescribe liquor. But the habit of prescribing and dispensing liquor did not cease with the epidemic. Some physicians and druggists, not all by any means, found the new trade profitable, and for the sake of gain were not averse to assuming a role which had ceased to be legal even for the bar-tender. It need hardly be said that the more reputable physicians and druggists in the Province deplored this prostitution of their professions.

4. From January 1st, 1920, to December 15th, 1920.

During this period we have a reversion to the situation described in Number 1 above. After the discontinuance of the Order-in-Council of April 1st, 1918, that is, from January 1st, 1920, it was once more legal to import liquor into the Province for private consumption but not for barter or sale. On June 23rd, 1920, Messrs. Leech, Hawkes and Bell were appointed to the Liquor Commission. They were handicapped, to begin with, through having to operate under the Act of 1917. But they, nevertheless, appointed inspectors and sent them throughout the Province. On December 15th, 1920, the Liquor Commission began to operate under the Act of 1920.

5. From December 15th, 1920, to February 1st, 1921.

On October 25th, 1920, the Province had voted on a plebiscite under Part IV. of the Canada Temperance Act, and by a large majority of 31,692 in a total vote of 142,206 had declared in favour of making the importation of liquor for beverage purposes illegal. This did not become operative till February 1st, 1921. During this period the Liquor Commission could effectually control the importation of liquor for medicinal, sacramental, mechanical and chemical purposes, but could not prevent its importation for the purposes of private consumption.

6. From February 1st, 1921, to the present.

From February 1st, 1921, the importation of liquor into Saskatchewan has been illegal except for four legitimate purposes: medicine, sacraments, manufacturing uses, chemical uses; and the handling of liquor for these purposes has been controlled by the Saskatchewan Liquor Commission according to the regulations of the Saskatchewan Temperance Act.

From the same date the Saskatchewan Government adopted a new experiment, an expedient unique in the history of liquor control. It appointed Rev. Dr. J. L. Nicol to the post of Director of Temperance and Social Service. His function was to be entirely educational, to acquaint the people with the law and to enlist their sympathies in support of its enforcement.

As one reviews the history of liquor control from the abolition of the liquor stores to the present, he finds that liquor has reached the people through four different channels:

### 1. Importation for private consumption.

This has been effectually eliminated by the coming into force of the Canada Temperance Act, Part IV, on February 1st, 1921. In anticipation many stocked their cellars, but it is questionable whether much private stock now remains in the Province.

### 2. Prescriptions of physicians and dispensing by drug stores.

The activities of the Liquor Commission, operating since December 15th, 1920, under the new Saskatchewan Temperance Act, have gone far towards eliminating abuses in this connection.

### 3. Export liquor warehouses.

Before February 1st, 1921, certain exporters, among whom members of the Jewish race predominate, rushed a large amount of liquor into the Province, ostensibly for exportation. This has been a fruitful source of trouble. Regarding these stores Rev. W. P. Reekie, the vigilant secretary of the Social Service Council of Saskatchewan, has written:

"The area along the United States boundary has experienced four successive crop failures, and some of the young men there have succumbed to the temptation of big pay for driving smugglers across. The traffic has thus done no little toward corrupting the citizens in that part of the Province. The other evil from the stores is this, that the liquor has been carried in cars hither and thither from one warehouse to another in the

Province, and in the course of transit much of it has been disposed of illicitly."

In *Rex. v. Shaw* a judgment was handed down on October 11th, 1920, that it was a breach of the Saskatchewan Temperance Act for a person carrying on a liquor export business in Saskatchewan to ship liquor from a point outside of Saskatchewan to a firm in Saskatchewan, also carrying on a liquor export business there, on an order and payment therefor received from that firm, sent from its place of business outside the Province, although such liquor is required only for export from Saskatchewan. In *Rex. v. Waller* on March 30th, 1921, it was held that a person who makes a sale of liquor in Saskatchewan to a bona fide resident of a foreign country for export to such country is not guilty of unlawfully keeping liquor for sale contrary to the law, notwithstanding the fact that the terms of the sale call for the delivery of the liquor and payment therefor within Saskatchewan.

In the cases of *Rex. v. Regina Wine and Spirit, Limited*, and *Rex v. Prairie Drug Company, Limited*, judgment was delivered on January 16th, 1922. It was held that Sec. 11 (2) of The Saskatchewan Temperance Act, R.S.S., 1920, Ch. 194, requiring every brewer, distiller and liquor exporter to make certain returns to the Commission is intra vires of the Provincial Legislature, even in respect to a liquor export company incorporated by the Dominion Parliament.

Amendments to the Saskatchewan Temperance Act, assented to February 9th, 1922, and operative after June 1st, 1922, restrict the location of export liquor warehouses to cities having a population of not less than 10,000 according to the last census, that is to

Regina, Moose Jaw and Saskatoon,\* and prohibit the transportation of liquor within the Province in automobiles or by other than common carrier, by rail or water. "It would appear," writes the General Secretary of the Social Service Council under date of April 15th, 1922, "that the Province has gone pretty nearly to the limit of its powers in legislation to abate the warehouse nuisance. Nevertheless these warehouses are with us, and are the source of much trouble to the administrators of the law, and a great hurt to the cause of prohibition."

We have seen that private distillation is nearly a century old in Western Canada. It obtained a footing in the old Red River Settlement. It was rampant in the early days of the Territories, even before the "permit" days. And in the "permit" days it was somewhat too extensively indulged in. After the prohibition of importation lemon extracts were eagerly purchased. A few had the hardihood to venture the "Pain-killer" of Territorial days. When lemon extracts proved unsatisfactory or ran out of stock, recourse was

---

\*There was some discussion about following the course pursued by Manitoba in 1918 in enacting that export liquor warehouses must be bonded warehouses. Owing to some misunderstanding in the matter the change was not introduced. Concerning this question Rev. W. P. Reekie issued a statement on April 15th, 1922,—“When the amendments to the Saskatchewan Temperance Act were brought before the House at the session just closed, a special meeting of the Sub-Executive of the Social Service Council was held on January 7th to consider them. The printed amendments did not include the requirement that a liquor warehouse shall be a bonded warehouse, and inasmuch as the Chairman and Secretary of the Liquor Commission, the Director of Prosecutions, and the Director for Social Service for the Government, all of whom were at the meeting, argued against this regulation for the present, and inasmuch as the situation is now complicated by the fact that two bonded warehouses in the Province are already licensed, whose bonding privileges do not expire for a year, it was agreed not to press this matter for the present. In the meantime the Government had decided, after presenting its amendments, to introduce the requirement that liquor warehouses be bonded warehouses, and the Premier had so announced in the Legislature. What finally happened was that the regulation was introduced by the Premier, was passed in Committee, and later, on motion of the Premier, was dropped again.”

had to raisins and black grapes. Then came potatoes, corn and molasses. All kinds of vessels have been employed, the innocuous milk can having proved its virtues as a most convenient article for distillation. There is little doubt that on the fringes of the Province there has been a considerable amount of home-brewing carried on, and, perhaps, their full share on the part of those of European origin. But it is equally certain that there has been a deliberate attempt to exaggerate the amount of home-brewing done in the Province on the part of those who would discredit a prohibitory law. The story is not as black as many would have it appear.

There is not the slightest doubt that, as compared with any period in the history of the Province with the exception of the time between April 1st, 1918, and the outbreak of the "Flu," there has been a marked decrease in drinking since the Liquor Commission took over the administration of the Saskatchewan Temperance Act. It is interesting to note the Commission's report for February, 1922. During that month 6,747 prescriptions were written in the Province by 555 doctors, an average of 12 prescriptions for each physician. In the last month before the Commission took control Saskatchewan physicians wrote an average of 66 prescriptions. Indeed, one physician went to the extreme of writing 6,500 prescriptions in the three months prior to the Commission's assuming control. The total quantity of liquor purchased through the Commission by druggists for medical purposes, by religious bodies for sacramental rites, and by physicians, hospital boards, dentists, manufacturers and educational institutions, was approximately as follows: Hard

liquors, alcohol, brandy, whiskey, rum and gin, 558 gallons; wines, 272 gallons; malt liquors, 250 cases. The actual number of permits authorizing the sale of liquor for medical purposes in force in the Province was 280. During that month 100 towns and villages were visited by the Commission's inspectors and the records of 107 drug stores were checked. The Commission fees on liquors sold to hospitals, druggists and physicians amounted to \$1,587.24 for the month. The number of convictions obtained under the Saskatchewan Temperance Act was 43, and fines totalling \$3,900 were collected. Six seizures of liquor worth \$15,000 were declared forfeit to the Crown.

There are few Conventions that do not still take cognizance of the liquor situation. The Convention of the Saskatchewan Association of Rural Municipalities held in Saskatoon on March 10th has been the only one of first-rate importance that has made what might be characterized as a reactionary pronouncement within the past five years. It passed a resolution calling for the taking of a referendum by the Provincial Government relative to the re-establishment of Government liquor dispensaries. There is no doubt that the Convention was not uninfluenced by the consideration of revenues, and the enticing picture that had been drawn of the profits accruing to the Province of Quebec from the liquor traffic. At the convention of the Great War Veterans' Association held in the same place on March 22nd an animated debate was precipitated. The veterans tabled all resolutions proposing action by the Association on the liquor question in Saskatchewan. A suggestion asking that the Provincial Government take a plebiscite on the question of the abolition of the pres-



ent prohibitory law in favour of the Government sale of spirituous and malt liquors, and proposing that branches of the Association should be used as a nucleus for a Moderation Party was frowned down by the delegates.

There are not a few who believe that we owe it as a debt of honour to our neighbouring Republic to abolish the export houses. The United States has a prohibitory law in force. This Province, with Federal co-operation, has a prohibitory law. And yet it is legal to export liquor from Saskatchewan to the United States, at least so far as the law of the Dominion and the Province, is concerned. There are those who would have the Dominion prohibit the export of liquor.

A resolution that sums up the progress that has been achieved, and that is alive to the problems of the present was passed at the meeting of the Presbytery of Regina in March, 1922:

"We, the Presbytery of Regina in session, rejoice in the splendid progress which our Province has made in the past seven years in temperance reform. The amount of liquor has been very considerably reduced since the days when liquor was sold in 444 places in the Province.

We commend the action of the Provincial Government in petitioning the Federal Government to stop the exportation of liquor from the Province and in seeking to prohibit by statute the storing of liquor for export purposes.

We commend the action of the Saskatchewan Legislature in so amending the Sas-

katchewan Temperance Act as to make illegal the conveying of liquor from one place to another in the Province except by common carrier, rail or water, for beverage purposes.

We appreciate the valuable services many of the newspapers are rendering in cultivating a strong temperance sentiment in favour of the Act, but we deplore, however, the criticisms of the Regina Leader in the opposite direction.

We realize the difficulties encountered by the officials of the law in enforcing the Act. We know that the success or failure of the measure lies largely with them, and our desire is that the Federal Government rid, if possible, the Province of illicit stills, and that the Provincial Police destroy effectively the business of the bootlegger, and that all worthy citizens render their whole-hearted assistance to the Government in its efforts to throttle this menace to the best moral and social interests of our fair Province."

## CHAPTER IX.

### THE REGULATION OF LIQUOR IN ALBERTA FROM THE ERECTION OF THE PROVINCE TO THE PRESENT.

From the time of the transfer of the Hudson's Bay Company's Territories to the Dominion down to 1905 that section of the Prairies which now is designated Alberta formed, along with what is now Saskatchewan, part of the North-West Territories. From 1870 to 1905 there is the same story to relate concerning the use and regulation of liquor for both. Nor was the trend of development greatly dissimilar for the two sister Provinces after September 1st, 1905, the date of their birth. As in the case of Saskatchewan, Alberta inherited from the North-West Territories a license system for the control of the liquor traffic. According to a Territorial Ordinance all territory lying north of the Athabasca was under prohibitory regulations, and this arrangement remained in force for a further period of five years. But throughout far the greater part of the Province the license system was in operation and continued so till after the outbreak of the Great War. It was in July, 1915, that the Alberta Liquor Act, which put a stop to the public sale of intoxicating liquors for beverage purposes as from July 1st, 1916, was carried on a referendum by a majority of 20,786, or by practically a 3 to 2 vote. The features that characterized the use and regulation of liquor in Alberta during the interval between the erection of the Province and the abolition of the bar are in the main those that have been recounted in connection with Saskatchewan,—

1. Improvements and amendments in the License law.
2. The granting of an improved Local Option law.
3. Temperance agitation fostered by the churches and the Temperance and Moral Reform League.
4. Local option voting.

Because of the similarity in the course of development of the liquor problem as between Saskatchewan and Alberta a less detailed treatment of the latter will suffice after the fuller narrative dealing with the former.

Even under the old Territorial system there had been a strong temperance sentiment in Alberta. The vote on prohibition on September 29th, 1898, had stood,—

Votes on the list .....	9,522
For Prohibition .....	1,708
Against Prohibition .....	1,331
Spoiled votes .....	106
Votes cast .....	3,145
Majority for Prohibition .....	377

The majority for prohibition in the whole North-West Territories was 3,414. But, to appreciate the strength of the temperance feeling of Alberta, one must bear in mind its comparatively sparse population at the time of the vote. After this plebiscite was taken it was realized that there was little hope of a Dominion-wide measure so long as Quebec maintained so pronounced an opposition. The Edmonton Bulletin of April 6th, 1899, said:

“If the Provinces had the power and if the vote cast meant what it said there is no

question that prohibition could be had at once in Prince Edward Island, Nova Scotia, New Brunswick and Manitoba, and possibly in Ontario and the North-West Territories as well."

That the Territorial Ordinance was not universally satisfactory is made clear by the fact that just prior to the erection of the Province the Alberta Licensed Victuallers' Protective Association held a meeting at Calgary and adopted resolutions in favour of amending the Liquor Ordinance. They desired,—

1. To restrict the number of licenses granted to villages of a population of 700 to 2; towns with 700-1,000 to 3; above 1,000, one additional license for each 1,000.
2. To compel all hotels in towns and cities to provide not less than 30 bedrooms, and all hotels in villages not less than 20.

Perhaps the true inwardness of the resolutions may be seen in that the result would be to give Calgary 14 instead of 11 places to sell liquor.

In January, 1906, a Provincial license inspector was appointed for Alberta to administer the liquor traffic under the Liquor License Ordinance. In May of that year an Act to amend the North-West Territories Ordinance respecting the sale of intoxicating liquors and the issue of licenses provided that after July 1st, 1906, no application should be entertained in respect of any hotel or wholesale premises not situated in some city, town or village, or in some place containing not less than 40 dwellings within an area of not more than 960 acres. In 1907 liquor containing more than 2½ per cent. of proof spirits was declared to be intoxi-

cating. The duties of license inspectors were more clearly defined. Hotel licenses were limited, one for the first 500 and for each additional 1,000 of the population, and wholesale licenses were confined to places with population exceeding 1,000. No license might henceforth be granted for premises within 200 yards of a school or church. A minimum accommodation was fixed as follows,—in addition to that required for the licensee, his family and servants, the following bedrooms:—In cities, at least 45; in towns, at least 30; in villages, at least 20. No cheque for wages might be cashed on licensed premises. No person under 21 years might be permitted to loiter about the bar-room. At the same time provision was made against fraud in the sale of liquor, against re-filling, and against mixture.

An instructive document of the time was Chief Inspector Deyl's report issued for the period up to the end of October, 1907. At the end of December, 1906, there were 190 hotel and 34 wholesale licenses; at the end of October, 1907, the latter had not increased but there were at that date 205 hotel licenses. During 1906 56 new hotel licenses were granted and 10 wholesale licenses. During 1907 there were 20 new hotel licenses granted and 7 wholesale licenses. Chief Inspector Deyl reported:

“The decrease in the number of licenses can be attributed to the legislation which was passed in the first and second sessions of the present House which practically limits the granting of licenses to hotels which are located in cities, towns or villages and does away with the licensing of road houses and wayside inns.”

In 1906 4 licenses were cancelled; in 1907, 9. In 1906 21 applications for hotel licenses were refused, in 1907, 15. In 1906 8 applications for wholesale licenses were refused; in 1907, 3. In 1906 there were 380, and in 1907, 362 inspections made on transfers, new applications and renewals. In 1906 there were 210, and in 1907 no less than 572 special inspections of hotels and wholesale licenses for the purpose of investigating complaints and making other adjustments.

The cause of temperance owes much in Alberta to the educative work of the churches, of the Temperance and Moral Reform League, of the Social Service Council, of the Provincial newspapers, and, more recently, of the Farmers' Movement. Few Provinces have had more zealous temperance workers than has Alberta in W. G. W. Fortune, F. W. Patterson and H. H. Hull. The appointment of Rev. W. G. W. Fortune to the Temperance and Moral Reform League was responsible for informing and arousing public opinion in the matter of the liquor traffic. From 1909 his influence and that of the League was felt to a marked degree. The first objective was the winning of Local Option contests. The Local Option clauses of the old Territorial Ordinance passed in 1891-92 had provided that no license might be granted by the Board of License Commissioners within the limits of a license district when a majority of three-fifths of the duly qualified electors who had voted at a poll had declared themselves in favour of prohibiting the sale of intoxicating liquors in their district and against the issue of licenses therefor. This was in effect still the law in Alberta. Its regulations proved irksome here as in Saskatchewan. The Temperance and Moral Reform League complained that the Local

Option clauses of the License law were a heavy handicap to the temperance movement. It would always be difficult to secure the required three-fifths majority. A deposit of \$100 was required in case of a vote, and this was forfeited where the vote was adverse. Claresholm was the first district to take a vote, in 1909. The by-law was defeated by a small majority. The Temperance and Moral Reform League came to the conclusion that progress was more likely through a change of the law than through the fighting of local option contests under existing conditions. It determined to press for a new Local Option law. In the meantime in 1911 petitions were prepared asking for a local option vote in two districts. After accepting the petitions and setting the day for the vote the Government found it impossible to have the necessary advertising done as required by law. The vote was postponed. At the same time the Moral Reform League of Alberta asked for amendments in the law to strengthen its temperance phases. These were not granted. There were amendments, however, in 1912. Provision was made for appointment by city, town, village or rural municipality of a municipal license inspector. There might be a local option vote on requisition, before August 15th in each year, of at least one-fifth of the total number in the district who had voted at the last contested election for a member of the Legislative Assembly for the district. There was still required the payment of \$100. The demand for a three-fifths vote was also insisted upon, with little prospect of relenting on the part of the Government.

In the meantime the Edmonton Bulletin was calling attention to the situation that obtained in connec-



tion with licensed clubs. It found them a distinct menace. An editorial under date of January 7th, 1914, stated:

"The tendency of the day is to decrease the number of, and increase the restrictions on liquor licenses. Under the Government of the former North-West Territories the principle was laid down that licenses to sell intoxicating liquor by the glass should be given only to hotels necessary and suitable for the accommodation of the travelling public. This principle was continued by the Provinces of Alberta and Saskatchewan, the theory being that those who provided for the accommodation of the travelling public should have a monopoly of the retail sale of intoxicants in order that they might thereby be better able to keep their accommodation up to a satisfactory standard.

Under the Alberta law as it was, the right to sell liquor to its members by a club incorporated by special ordinance was conceded without special license. Under pretence of bringing such clubs under operation of the license law for the sake of its more uniform and better enforcement certain amendments were made during the recent session of the Legislature to the Liquor License Act. With what would appear to have been a prior understanding as to what these amendments were to be, ten additional clubs were organized in Edmonton and were granted special ordinances of incorporation. The new amendments

to the Liquor License law provided that all clubs should pay to the Province an \$800 license fee, the same as that required of a hotel; that the city should not have the right of inspection, and that the right to sell liquor by such clubs to their members would be granted by the Attorney-General 'on such terms as to inspection or otherwise as to him shall seem meet.' While the Act provides that no such permission will be granted to a club which has not 'made satisfactory provision for supplying meals to or sleeping accommodation for the members thereof,' the regulations issued by the Attorney-General's department make no requirement as to sleeping accommodation.

Under the beneficent provisions of the new license law the city has a number more places at which liquor can be purchased than it had before; they do not give accommodation to the travelling public; they cut into the revenues of the licensed hotels which do give such accommodation; they are not granted licenses subject to the authority of the License Commissioners; and the city has no right of inspection of the premises or authority over the manner in which the license provisions are maintained. The licenses are granted solely on the authority of the Attorney-General who controls absolutely the inspection and has sole right to cancel the licenses.

That some of the places exist as gambling dens of the most dangerous type is confidently

believed. As they are exempt from civic inspection or control those which were created for other than social purposes, as a number of them undoubtedly were, tended to become centres of disorder, to put it mildly, which reflect upon the good name of the city and render much more difficult the work of the civic authorities in maintaining the city's credit as a place of desirable habitation."

For its work in this connection the Edmonton Ministerial Association on February 19th, 1914, forwarded a resolution of appreciation to the Edmonton Bulletin. It declared that that journal had rendered service of great importance in calling attention to the conditions of the licensed clubs and in demanding that the evil be suppressed.

In the prohibited northern territory of Alberta whiskey-selling was causing the police no little trouble. Intoxicants could be taken into the prohibited district only after a permit had been secured. These permits were good for two gallons. Formerly the permits were freely granted, but abuses resulted. As a consequence they could now be secured only upon presentation of a certificate from a doctor to the effect that the intoxicants were necessary for medicinal purposes. As soon as this regulation was adopted an astonishing amount of "sickness" developed in the North. A writer thus described the situation:

"Nearly everybody seems to be suffering from some kind of complaint, and, most peculiar to relate, the complaint is invariably of a kind that can be alleviated only by gener-

ous inward applications of amber-coloured fluid. Those who are unable or who do not take the trouble to obtain permits, carry the whiskey in their inner pockets, anyhow, though they run the risk of being searched by the ubiquitous Mounted Police constables.

It is amusing to watch the antics of these evaders of the law on the trail. A man will catch hold of his companion's arm or take him to a convenient corner, or behind the nearest haystack, hollow out his hands and whisper hoarsely, 'Have a drink?' A seraphic smile suffuses the other's face. He grins from ear to ear, clutches the precious bottle with eager hands, raises it to his lips, and takes a long, long swig that elevates him to the seventh heaven of delight.

Along the trail it is just the same. Just as the Klondike trail of '98 was marked by the whitening bones of horses which had fallen by the way, the winter trail of the North is outlined by empty bottles which eloquently tell the tale of many a joyous carousal.

The "Bulletin" special correspondent who travelled along the trail recently was informed that there are many bootleggers in the prohibited district although he did not encounter any. The Mounted Police constables take all possible pains to discover these offenders and many of them are hauled before a Justice of the Peace and have to pay the penalty of their misdeeds. But the illicit practice goes on, nevertheless.

One prominent citizen of one of the northern towns who likes a 'wee drappie' himself, volunteered the information that as high as \$20 is paid for a bottle of whiskey,—and not a very good brand at that,—at Peace River Crossing. He also said he had seen the half-breeds, when they were flush of money, pay \$25 for a bottle of lemon essence, so anxious were they for their flow of spirits.

The same informant was responsible for the statement that whiskey can be had for \$10 a bottle at Grouard, and inveterate drinkers are very glad to get it even at that. It is an expensive business, the whiskey smuggling, for offenders are liable to heavy fines and at the third offence to imprisonment. The Mounted Police at Mirror Landing deal with an average of from 8 to 10 liquor cases a month, and the average is much the same at the other northern towns.

The most ingenious devices are resorted to in an endeavour to smuggle whiskey into the country. The "Bulletin" man was informed that one case had been known of eggs being blown, filled with liquor, and then shipped in under the innocent guise of hen fruit. Another case occurred, it is said, in which a horse collar was fitted up for the reception of whiskey and the shippers succeeded in eluding the eagle eyes of the law."

On February 15th, 1914, a mass meeting was held in Edmonton under the auspices of the Alberta Temperance and Moral Reform League in the First Presby-

terian Church. This meeting pledged itself to vote only for those candidates who would pledge their efforts and vote in behalf of a prohibitory law for Alberta. It pledged itself to an aggressive campaign of education, agitation, promotion, petition and ballot for the prohibition of the manufacture, importation, transportation, sale and gift of alcoholic liquor for beverage purposes within the Province of Alberta. Rev. Dr. Fulton of Calgary addressed the meeting. Great interest and enthusiasm were evoked. When war was proclaimed conventions began to pass resolutions on the temperance question reminding the Government of what was transpiring in other Provinces and in other countries as a result of the war. A Provincial Convention of temperance forces decided to move for the greatest measure of prohibition that it was in the power of the Legislature to grant. It was hoped that a sufficient petition could be secured to have the measure submitted under the terms of the initiative and referendum legislation in force in the Province. Under the Direct Legislation Act a petition signed by 8 per cent. of the bona fide electors in each of 80 per cent. of the constituencies of the Province and 20 per cent. of the total number of electors on the Provincial voters' list used at the last Provincial election would compel the Government to submit a plebiscite on the subject, no matter what the Government's attitude to the question might be. The pressure of public opinion in the war, the need of conserving every material resource, the example of even Russia, all had their influence. The Government promised to submit the question of prohibition to the electors and to frame a measure in accordance with their verdict.

A big delegation of business men from all parts of the Province interviewed Premier Sifton on April 11th, 1915, and asked for a greater restriction of the liquor traffic by closing the bars at 7 p.m. They pointed out the action taken by the other Prairie Provinces. The Premier refused pending the vote on the prohibition plebiscite. On July 21st, 1915, after a campaign of the most strenuous character the vote was taken. On June 9th, 1915, the Methodist Conference endorsed the Alberta-Liquor Act as the most effective means of dealing with the traffic ever presented to the electors, and expressed its appreciation of the splendid services rendered by the papers of the Province in their advocacy of the cause of prohibition. The liquor interests fought the measure furiously. They imported a German-American by the name of Windle, who proceeded on a campaign of oratorical spell-binding with lavish use of the argument of personal freedom and a copious quotation of Holy Writ. A newspaper of the time remarked,—“The devil was always good at mis-using Scripture. Mr. Windle cannot beat him, hard as he may try.” Principal Lloyd was brought over from Saskatchewan by the temperance forces to aid in the campaign. The burden of the fight fell most heavily on the shoulders of Rev. F. W. Patterson, A. W. Coone, Campaign manager for the prohibition forces, and Rev. W. F. Gold, secretary of the Alberta Temperance and Moral Reform League. Even the Calgary Eye-Opener, which is not always on the side of the angels, fought for the prohibition cause. “Is Saul also among the prophets?” men asked, and a more generous contemporary journal declared,—“Edwards and his Eye-Opener have one fight for a good cause to their ever-

lasting credit." The advocates of the bar had a very complete and aggressive organization so that there can be no question that they polled every vote that they could either influence or control. Mrs. Nellie McClung was an effective campaigner for temperance, but it was Rev. F. W. Patterson, of the First Baptist Church, Edmonton, who was the gladiator of the "Dry" Campaign who met and defeated the champions of the Bar whenever and wherever opportunity offered. The Province carried the measure in favour of complete Provincial prohibition up to the limit of the powers of the Province by the following vote: For, 58,295; Against, 37,509. The majority in favour of prohibition was 20,786. The voting according to constituencies was as follows:

### Constituencies Voting Dry in 1915.

Constituency.	Affirmative.	Negative.	Majority.
Acadia .....	1,660	389	1,271
Alexandria .....	811	346	465
Cardston .....	761	198	563
Calgary (North, Centre, South) .....	7,625	4,779	2,846
Camrose .....	1,933	723	1,210
Claresholm .....	664	270	394
Clearwater .....	57	33	24
Cochrane .....	614	242	372
Coronation .....	1,475	623	852
Didsbury .....	1,535	414	1,121
Edmonton .....	5,700	3,386	2,314
Edmonton South .....	2,258	1,135	1,123
Gleichen .....	818	508	310
Hand Hills .....	1,730	730	1,000



High River .....	815	316	499
Innisfail .....	784	308	476
Lacombe .....	1,471	405	1,066
Leduc .....	694	486	208
Little Bow .....	1,029	457	572
Macleod .....	450	409	41
Medicine Hat .....	2,000	1,843	157
Nanton .....	639	240	399
Olds .....	950	423	527
Okotoks .....	512	376	136
Ponoka .....	701	385	316
Peace River .....	720	450	270
Pembina .....	598	420	178
Red Deer .....	1,221	487	734
Ribstone .....	1,118	482	636
Sedgewick .....	1,447	558	889
Stettler .....	1,478	675	803
Taber .....	1,602	802	800
Vegreville .....	1,164	687	477
Vermilion .....	1,084	656	428
Wainwright .....	903	542	361
Warner .....	414	323	91
Wetaskiwin .....	943	492	451

### Constituencies Voting Wet in 1915.

Constituency.	Affirmative.	Negative.	Majority.
Athabasca .....	397	512	115
Beaver River .....	280	743	463
Bow Valley .....	265	293	28
Edson .....	511	593	82
Grouard .....	168	477	309
Lac Ste. Anne .....	402	619	217
Lethbridge City .....	989	1,371	382

Pincher Creek .....	384	451	67
Redcliffe .....	771	831	60
Rocky Mountain .....	881	1,392	511
Sturgeon .....	851	860	9
St. Albert .....	315	741	426
St. Paul .....	239	651	412
Stony Plain .....	442	585	143
Victoria .....	607	790	183
Whitford .....	415	602	187

### Cities Voting Dry in 1915.

Constituency.	Affirmative.	Negative.	Majority.
Calgary .....	7,625	4,779	2,846
Edmonton .....	7,414	4,217	3,197
Medicine Hat .....	948	835	113
Red Deer .....	459	110	349
Wetaskiwin .....	297	175	122

### Cities Voting Wet in 1915.

Constituency.	Affirmative.	Negative.	Majority.
Lethbridge .....	989	1,371	382

On the day following the elections the Edmonton Bulletin carried an editorial entitled, "The Boy Wins." It stated in part:

"Alberta voted yesterday to abolish the Bar. The majority leaves no room for doubt, question or argument. The case for the Bar was argued before the court of public opinion. . . . But the people who voted 'dry' yesterday must not forget that to place the law on the statute book is only the be-

ginning of work. Good is only attained or maintained by effort."

It would be worth much to the temperance cause throughout the whole Prairie Section, and not least throughout the Province of Alberta, if the closing words of that editorial could be set forth in letters of fire for all advocates of temperance to learn,—“Good is only attained or maintained by effort.” A great victory was won in Alberta on July 21st, 1915. Many good people went to their beds that night imagining that henceforth Alberta would remain dry of itself. They were yet to learn that it requires effort and self-sacrifice to consolidate a strong point gained, to retain a victory that has been achieved. The need for temperance education and agitation was by no means gone.

As the year 1915 was the last complete year under the License Act, it will be instructive to take stock of the general situation in the Province of Alberta. The License Act forbade sales to persons under the age of 21 years and to intoxicated persons. It restricted the hours of sale, prohibiting sale after 10.00 p.m. on week nights and 6.00 p.m. on Saturday nights, and forbidding the sale of liquor entirely on Sundays and election days. It insisted on a high standard of public accommodation. The administration of the law was entrusted to a Commission of Three, under whom there were eleven inspectors. Under this License Act in 1915 there were the following convictions: Bootleggers, 751; licenses, 37; interdicts, 120. The total fines from convictions under the Liquor Ordinance for 1915 amounted to \$38,995.65. The total number of interdicts in Alberta in 1915 was 899. In the same year there were 250 licensed hotels; 427 licensed bar-

tenders; 11 licensed clubs; 3 dining car licenses; 51 wholesale liquor store licenses and 22 licenses for travelling salesmen. The sale of liquor was approximately \$14,000,000 yearly. There were seven breweries manufacturing under a Federal license, and the yearly sale from these breweries (wholesale) was close to \$1,275,000. The total revenue to the Provincial Government from these licenses amounted to \$229,096.14. These facts should constantly be borne in mind as a standard of comparison, for in Alberta as in the other Provinces certain individuals developed a habit of referring to the days under the license system as to a Golden Age.

The Liquor Act, Ch. IV, 1916, assented to on April 19th, 1916, was the legislation by which the Government of Alberta implemented its promise to give effect to the wishes of the people as expressed in a plebiscite. The Lieutenant-Governor-in-Council might appoint suitable persons as vendors who might keep such liquors as were required for medicinal, mechanical, scientific and sacramental purposes only. The profit accruing from these sales was to form part of the consolidated revenue of the Province. Sales were made on affidavits that the liquor was not intended as a beverage. Records of every sale must be kept and reported monthly to the Attorney-General. No persons other than the legally appointed vendors might engage in the sale of liquor except druggists and physicians on bona fide prescriptions. A vendor might sell for cash only. Clubs and associations were forbidden to sell to their members. The burden of proving the right to have liquor was placed on the person accused of improperly or unlawfully engaging in a sale or other transaction. This Act came into force on July 1st, 1916.

The following year an amendment, Ch. 22, 1917, gave the Attorney-General or his agent or any member of the Alberta Provincial Police Force the right to inspect freight and express books and records, and any document in the possession of a railway or express company doing business within Alberta, for the purpose of obtaining information. It limited the amount of liquor which a person could have in his private dwelling to one quart of spirituous liquor and two gallons of malt liquor.

The Government found itself under the necessity of passing measures to regulate liquor export warehouses and passed legislation to provide for proper records and returns and for inspection. By Ch. 7, 1920, it restricted bonded liquor warehouses to incorporated cities.

As we have seen in the case of Saskatchewan Dominion Orders-in-Council were passed under the War Measures Act and continued in force till December 31st, 1919. From July 1st, 1916, to April 1st, 1918, there was Provincial prohibition, but it was both easy and legal to procure liquor through mail orders from liquor houses outside Alberta. On April 1st, 1918, a Dominion Order-in-Council prohibited the importation of liquor into one Province from another Province or from outside Canada. From this date to the Armistice and the outbreak of the "Flu" there was comparatively little liquor sold in Alberta in an illicit way. There is little doubt that there was a relaxation of regulations due to the "Flu" epidemic. But up to December 31st, 1919, it was illegal to import liquor. After the discontinuance of the Order-in-Council on January 1st, 1920, the difficulties of enforcing prohibition were increased. The private importation of liquor into the

Province was once again legal. But through the amended Canada Temperance Act (Scott Act), provision had been made to enlarge the scope of local option from municipalities to provinces. On a majority vote taken on a plebiscite the Dominion Government would apply the regulations of the Scott Act. The date for taking the vote was set for October 25th, 1920, and the people gave a decisive verdict for making the Province dry.

It is interesting to compare the voting on the referendum on October 25th, 1920, with the voting that took place on July 21st, 1915. The totals are not dissimilar:

		For	Against	Majority
1915	.....	58,295	37,509	20,786
1920	.....	62,772	44,176	18,596

But the most striking feature of the vote is that the constituencies that voted dry in 1915 nearly all voted in the same way in 1920, and those that voted wet, in the same way in 1920. There were five exceptions. Pincher, Redcliffe and Sturgeon voted wet in 1915 with a total majority of 136, but they voted dry in 1920 with a total majority of 317. Leduc and Macleod voted dry in 1915 with a total majority of 249, but they voted wet in 1920 with a total majority of 125.

The result of the referendum was that after February 1st, 1921, the importation of liquor into the Province was stopped for beverage purposes. The traffic in liquor was operated henceforth under the regulations of the Alberta Liquor Act and the Canada Temperance Act. It will be well to summarize the situation as from May 1st, 1921:

## Situation After May 1st, 1921.

(a) The Government vendor might sell:

1. Alcohol for mechanical and scientific purposes, or for use in manufacturing, not more than 10 gallons at one time. There were two Government vendors,—one at Edmonton and one at Calgary.

2. To a druggist such liquor as he might require and was authorized to sell. His affidavit must specify how and where it was to be used, and that it was not intended for use as a beverage. There could be not more than one sale on each affidavit. Further, the druggist's order must be accompanied by a doctor's prescription, one prescription for every bottle ordered.

3. To a physician not more than two quarts at any one time, for strictly medicinal purposes.

4. To a dentist for use in his profession only, one quart at one time.

5. To a veterinary, for use in his profession only, not more than one gallon per month.

6. To a minister of the gospel upon his written request, wine for sacramental purposes only.

(b) Doctors' prescriptions:

The Government supplied every qualified medical man with 100 printed liquor prescription forms. He might secure an additional 50 by giving proper reasons. Clause 32 of the Alberta Liquor Act dealt with doctors' prescriptions:

"Any physician who is lawfully and regularly engaged in the practice of his profession, and who shall deem any intoxicating liquors necessary for the health of his patients, may give such patient or patients a prescription therefor, or may administer the liquor himself; for which purpose he may have liquor in his possession not exceeding in quantity two quarts at any one time when in the discharge of his professional duties; but no such prescription shall be given or liquors administered except in cases of actual need, and when in the judgment of such physician the use of the liquor is necessary. And every physician who shall give such prescription or administer such liquors in evasion or violation of this Act, or who shall give to or write for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence under this Act."

(c) Druggists' privileges:

Druggists' privileges were regulated by Clause 5 of Section 12 as amended:

"Notwithstanding the amount of liquor called for by any prescription only one sealed bottle as supplied by a vendor to the druggist shall be sold by a druggist upon any prescrip-



tion and no bottle supplied by a vendor to the druggist for sale under the provisions of this Act shall be opened by the latter save for the purpose of filling a prescription for twelve ounces of liquor or less, and in such case no other bottle shall be opened until the liquor remaining in the first-mentioned bottle is exhausted by filling in whole or in part a like prescription."

The price that this bottle was sold at was set by the Attorney-General's Department, and the price list of all liquors had to be displayed in the drug store. No liquor sold might be consumed on the premises where the sale was made.

(d) Manufacture and export:

The Province as such possessed no control over the manufacture or export of liquor. This was wholly within the jurisdiction of the Dominion. Strong beer was still being manufactured by Alberta breweries for export, and liquor was still stored in liquor warehouses for export.

(e) The illicit still:

The illicit still was under the jurisdiction of the Dominion. It was simply manufacture without a license. The stopping of importation increased the demand for the product of the illicit still. There were three sources of supply which could frustrate the Alberta Liquor Act:

1. The bootlegging doctor who sold his prescriptions.
2. The bootlegging druggist who sold his liquor, secured illegally from the legal warehouse, without prescriptions.

3. The illicit manufacturer who supplied the boot-legger.

(f) Wholesale liquor warehouses:

When the Order-in-Council of the Dominion Government ceased to be operative, there were brought into the Province and stored in the Province in wholesale warehouses immense stocks of liquor by every incorporated liquor company which desired to deal in liquor. Over this traffic the Provincial Government had no control. The stocks were nominally there for export purposes. But an illicit sale developed and will continue so long as the stocks last. They possess only one legitimate market in Western Canada, British Columbia. But the leakage from these warehouses has been the cause of much drunkenness and law-breaking.

There has been considerable litigation in Alberta arising from liquor legislation. One can do no more than refer to one or two cases. On December 12th, 1918, a judgment was handed down in the case *Rex ex rel Tiderington v. Rose*. In this instance a physician was applied to for a prescription for intoxicating liquor. In answer to a question by the physician the applicant stated that he was not sick but was going on a fishing trip. The physician made no attempt to ascertain whether the applicant was in need of treatment but furnished him with the prescription. The applicant was a stool pigeon. The physician admitted that he had in the course of five or six weeks given over 400 prescriptions. He was convicted but appealed. His application was dismissed.

*Rex. v. Bulmer*, October 25th, 1920, laid down the principle that once it is established that liquor is kept

bona fide for export purposes, Sec. 24 of The Liquor Act, 1916, Ch. 4, can have no application, but any alleged offence in respect of keeping such liquor must be prosecuted under The Liquor Export Act, 1918, Ch. 8, as amended 1920.

In the cases *Rex v. S. Diamond* and *Rex. v. J. Diamond* sacks of liquor were taken from the warehouse of a liquor export company and loaded on a sleigh and sacks of grain were placed over them. The sleigh was stopped by a constable after it had been driven away from the warehouse. The driver produced a letter addressed to a person in Lloydminster which began thus,—“Bill of goods consigned with E. Gottschalk and Company, as public carrier . . .” and contained a list of cases of liquor. He also showed a form of consignment order in which the same person was named as a consignee. Two of the officials of the company were charged with illegally selling the liquor. On the hearing the named consignee denied that he had ever ordered or agreed to buy or pay for any liquor from the defendants, and stated that after the informations were laid the defendants had endeavoured to induce him to sign an antedated order for the liquor. The driver testified that neither of the defendants had sold any liquor to him. The defendants were convicted. Their convictions were affirmed, but they appealed. In the Appellate Division it was held that as there was no evidence of any sale the conviction should be quashed. Chief Justice Harvey declared that this was “as barefaced an attempt to defeat the spirit of The Liquor Act, 1916, Ch. 4, as could well be conceived, but for all that I cannot find the evidence to warrant a finding that there was a sale.” The liquor was held by the Attorney-General.

A case that excited more than local interest was that of *Rex v. Nat Bell Liquors, Ltd.* This company, which had its head office in Saskatoon and branches at other places including Swift Current and Edmonton, was incorporated by letters patent of the Dominion of Canada on December 26th, 1917, with power among other things "to carry on the business of import and export dealings in beer, ales, porter, wines of all kinds, spirituous liquors and liquors of all kinds." On October 2nd, 1920, upon a sworn information of a sergeant of the city police of Edmonton that he suspected that liquor was being kept for sale by the defendants contrary to The Liquor Act, 1916, Ch. 4, a warrant was issued to seize and under the warrant all liquors on the premises were seized. Subsequently an information for unlawfully keeping liquor for sale was sworn and after a trial before Police Magistrate McLeod a conviction was made on October 21st and a fine of \$200 and costs imposed. Subsequently an order of forfeiture was made on November 4th; forfeiting so much of the whiskey as was found in cases. Upon application to Mr. Justice Hyndman both the conviction and the order of forfeiture were quashed and all the liquor was ordered to be restored. The case was carried to the Appellate Division, but the appeal was dismissed, Chief Justice Harvey dissenting. The Attorney-General applied to appeal to the Supreme Court of Canada but application to appeal was refused. In this case Mr. Justice Beck held that the Liquor Act in its existing form was invalid because ultra vires of the Provincial Legislature inasmuch as: (1) It dealt with the liquor question as a question of morals, independent of time or place, and consequently invaded the domain of criminal law reserved exclusively to the

jurisdiction of the Dominion Parliament; and (2) It so dealt with it as to encroach upon the same exclusive jurisdiction in attempting to regulate trade and commerce. Mr. Justice Stuart held that proof of one illegal sale was not sufficient proof of that habitual or continuing purpose to which the expression "unlawful keeping for sale" referred. Finally an appeal was carried by the Province directly to the Judicial Committee of the Privy Council. The Privy Council sustained the appeal and decided that the Province possessed the right to seize the stock. As a result the conviction and the order of forfeiture were restored.

There have been two cases of "The Gold Seal, Limited, v. The Dominion Express Company." Both relate to the question of inter-Provincial traffic in liquor. The Gold Seal, Limited, was a body incorporated under the Dominion Companies' Act with head office at Vancouver and a branch office and private warehouse at Calgary. The Company had been carrying on an inter-Provincial trade throughout Canada as importer, exporter and distributor of all kinds of liquor. On May 28th, 1920, the plaintiff, in a bona fide transaction in liquor with a person in British Columbia, out of the goods in its warehouse tendered to the Dominion Express Company as common carrier at Calgary a package of liquor and requested it to carry it to Clayburn, B.C. The package was properly labelled and addressed. The Dominion Express Company refused the shipment on the ground that such carriage would be illegal and the company would render itself liable to certain penalties. The case involved the question of the proper interpretation and the validity of certain Provincial statutes, viz., The Liquor Act, 1916, Ch. 4, as amended, and The Liquor Export Act, Ch. 8

of 1918, as amended by Ch. 7 of 1920. The parties agreed to submit the question in the form of a special case with the following questions:—

1. Is the plaintiff's warehouse at Calgary a place where such liquor from outside of the Province of Alberta may be lawfully received and lawfully kept and a place to which such liquor from outside the Province may be lawfully carried for the purpose of export to its customers outside of the Province of Alberta and a place from which such liquor may be lawfully delivered and exported to places outside of the Province of Alberta?

2. Is the defendant bound to receive and carry to the plaintiff at Calgary aforesaid from outside the Province of Alberta any such liquors tendered to it for the use of the plaintiff in the ordinary course of its business as an exporter and is the defendant bound to receive from the plaintiff at Calgary any shipment of such liquors for delivery to the plaintiff's customers at places outside the Province at which the defendant carries on business as a common carrier?

Counsel for the Attorney-General appeared and supported the validity of the legislation and the defendant company took no further part in the argument. Both questions were answered in the affirmative by Justices Beck, Ives, and Hyndman, with Chief Justice Harvey and Mr. Justice Stuart dissenting. This judgment was handed down July 5th, 1920. The effect of this was that The Liquor Act and The Liquor Export Act in so far as they prohibited export or keeping for export from the Province except under the conditions imposed by Ch. 7 of 1920 amending The Liquor Export Act were ultra vires of the Provincial Legislature. The prin-

ciple of this decision rested on the ground that the Province had no jurisdiction to prohibit trade between persons in the Province and those outside.

A second case in the following year raised the question of the validity of the amendment to the Canada Temperance Act, Ch. 8 of 1919, and of the Orders-in-Council declaring it in force in Alberta and the other Western Provinces. It came by way of a stated case before the Appellate Division of the Supreme Court of Alberta. The Court, while declining to express an opinion on the right to carry liquor into the Provinces of Saskatchewan or Manitoba, refused to compel a common carrier to take liquor in Alberta for export into either of said Provinces where it would be subject to prosecution for penalties. It held that the 1919 amendment adding Part IV to the Canada Temperance Act was intra vires of the Dominion Parliament, and that The Liquor Act of Alberta was a valid prohibitory Act within the meaning of the 1919 amendment to the Canada Temperance Act. The Gold Seal, Limited, appealed the case to the Supreme Court of Canada on the ground that no day had been stated in the proclamation on which, in the event of the vote being in favour of the prohibition, prohibition was to go in force. Before judgment was delivered the Dominion Parliament intervened and passed a Curative Act, 11 and 12 George V, Ch. 20. This cured the defect of the proclamation. Part IV of the Canada Temperance Act and the Curative Act were held to be intra vires of the Dominion Parliament. The Curative Act took away from the appellant its right to obtain damages for the refusal of the Express Company to carry its goods. The appellant was given the costs of the appeal despite its lack of success.

A feature of the struggle for liquor control has been the appearance of the Moderation League. This League has used "Moderation" as a slogan to offset the efforts to retain and tighten up all prohibitory measures. At the annual meeting of the Social Service Council of Alberta held in Edmonton, November 30th-December 1st, 1921, the President of the Council, Rev. W. G. Brown, of Red Deer, dealt with the Moderation League and with the existing situation saying:

"Before the ink was dry on the statute putting into effect the result of the referendum of October 25th, 1920, the Moderation League was busy plotting and planning to overthrow the will of the people. Inspired by the success of their confreres in British Columbia, all forces concentrated their efforts to secure the sale of light wines and beer and liquor for household purposes in Alberta. Their first move was to circulate petitions all over the Province in the hope that a largely signed petition would persuade the Government of the day to introduce the system which they had set out to establish. . . .

While this was going on the Executive of the Council was getting ready to offset the appeal and waited the psychological time to act.

. . . Immediately following the presentation of their petition by the Moderationists the long-distance phone was brought into use and, a very few days after, the delegation of the Council waited on the Government.

This delegation consisted of representatives of all churches, the U.F.A., the Federa-



tion of Labour and other organizations, and they were so effective in their presentation that the Moderation League petition got no further than the table of the House. The strong stand taken by the late Premier, the Hon. Chas. Stewart, in resisting the influences that were brought to bear upon him, the splendid response of friends throughout the Province who thronged the Council rooms during the presence of the delegation and the untiring efforts of the General Secretary were the main factors in this victory. Later in the session the introduction by the Government, in the statute law amendments, of a clause enabling the Government to set aside the legislation of the Direct Legislation Act and to take a referendum on the liquor question when they saw fit, brought our forces into action again and preparations were got under way to be ready for another referendum on that momentous question, 'Government Sale.'

No sooner had we turned this corner than a Provincial election was announced. As your representatives, our business was not to associate ourselves with the cause of either Liberal or Conservative, or U.F.A. or Labour, but to promote the cause of Social and Moral Reform, the heart and soul of which, as we saw it, centred in the Prohibition issue. . . . All candidates were put on record on their stand on the question of another referendum and the result of the questionnaire is that the General Secretary has on file some 36 letters from members of the present Legislature

putting them on record as in favour of continued prohibition.

In determining our future policy we might well take a leaf from the book of Julius Caesar, one of the greatest leaders of the ancient world. We have crossed the Rubicon, but we have not conquered the enemy. We must not sit down to a policy of defensive warfare which says, 'What we have we hold.' We have succeeded in having laws put on the statute books. A duty that is no less important is that we should lend our aid in the development of a wholesome respect for the laws of the land and lend our practical help to those who have the task of law enforcement."

The temperance fight is not an easy fight. Perhaps the greatest hindrance of all is the apathy or thoughtlessness of temperance people themselves, who forget that eternal vigilance is the price of sobriety in a community. They do not remember that the liquor interests never slumber. A victory won is never secure without an alert public sentiment to support it.

Law enforcement presents its own peculiar difficulties. There have been conflicts of authority as between the Provincial and Dominion Governments. A great advance was made when the Canada Temperance Act was amended so that it might apply on the scale of a whole Province. This amendment was an attempt to remove the problem caused by the division of powers as between the Provinces and the Dominion. But there should be a larger measure of co-operation between the police and the Inland Revenue Department. The manufacture of liquor in the private still is a

violation of a Dominion, not a Provincial law. The sale of the liquor in the Province is a violation of a Provincial, not a Dominion law. It is this confusion of jurisdiction that makes the path easier for the bootlegger. But the difficulty of enforcing the law extends further. Perhaps there is no law on the statute book where the personal bias plays so prominent a role. Much depends on the police, and they are not all equally zealous to enforce the law. And even where they exhibit zeal they are not all equally supported in their work. This criticism is more particularly applicable to Mayors and Councils from whom the municipal police hold their appointments. The question has even been raised as to whether all the police in the Province should not be Provincial police, under a single head, and removed from the local politics of the urban communities. The police need the strong moral support of an effective temperance sentiment. It has even been suggested that magistrates and judges have been biassed by their personal views on prohibition in the interpretation and enforcement of the law. The present writer knows nothing of this personally. But at the last annual convention of the Social Service Council of Alberta a request was made that the Provincial Government be asked to make an investigation of charges against certain judges. The Council, however, did not accede to the request. In any case, whatever may be the cause, the task of law enforcement for a prohibitory measure is not a slight one. The appointment of Mr. Brownlee to the post of Attorney-General in the U.F.A. Government is an assurance that the Government will not be slack in the discharge of its duty in this regard.

The bootlegger is a menace to law enforcement. The subject of popular jest, he pursues his illicit work with untiring zeal. Why an offender against one law should be regarded with easy sufferance and an offender against another law treated with unfailing severity is beyond comprehension. The Edmonton Journal of January 14th, 1922, thus speaks of the bootlegger and his work: -

"Many of the thirsty in these days when prohibition which does not prohibit has driven the parched ones to every shift and trick to obtain liquor will insist that the bootlegger is a most maligned individual who is doing his dishonest best to make an intolerable situation more tolerable, who is saving the prescription hunter from hunting and the doctor from perjuring and who is in general making it as easy as in the old bar days for the fellow with a thirst to quench it at every street corner.

The bootlegger is a thrifty fellow who sees potential alcohol in almost everything that will ferment. Dried apples, prunes, potatoes, wheat, rice, barley, molasses, carrots, turnips, beets, and almost anything that has a sugar content, capable of being changed by the fermentative process, is thrown into the capacious maw of the bootlegger's mash barrel. The barrel itself may be a swill barrel, garbage tank, oil barrel or the like, and runs all the way from a few gallons to 2,000 or more. The still recently found in the west end of the city had a huge mash barrel of

1,500 gallons' capacity. Into the mash barrel is thrown the favoured ingredient or ingredients, plus sugar and yeast. The mash is kept warm and soon the process of fermentation begins. The whole bulk heaves and bubbles as the process proceeds and the unmistakeable brewery smell arises to the high heavens to assail the nose of the lurking police officer or Inland Revenue man if he lurks close enough, though the illicit still operator is a careful soul and most secretive. The mash when sufficiently worked is run off into the still proper which again may be anything from an inverted milk can to a properly built article resembling the stills pictured in the old illustrations of workers of the black arts. Here boiling is commenced under which the volatile alcohol fumes are rapidly vaporized, to rise to the top of the still where they are led by a pipe or rubber hose into the worm, the cooling apparatus of the still. The worm again is as the fancy of the still owner may dictate. It may be of copper, a lead tube or anything else. It may be curved to fit a barrel or straight but, in any case, cold water is kept in contact with the worm by which means the alcohol vapors are condensed and the crude alcohol collected.

Varying with the excellence of the mash the alcohol may be of almost any strength though most of it possesses at this stage the kick usually attributed to a government mule. If it hasn't enough kick the enterprising bootlegger runs in a little ether. He may also add glycerine, to give it smoothness; turpentine

(used by makers of synthetic gin); creosote to give the 'Scotch' peat smoke taste; formaldehyde or brown sugar to give colour; wood alcohol for further kick, a beautiful death awaiting the too generous imbibers of this addition; partly denatured alcohol, a sort of first cousin to the wood variety; fully denatured alcohol; pyridine, a pungent liquid derived from coal tar, and a variety of other more or less fatal liquids.

Having now imparted kick, pungency, colour, etc., the good bootlegger runs in a dash of whiskey essence if the brew is to be whiskey; brandy essence, if brandy, and so on. And the 'rare old liquor' is now ready for bottling. 'But any fool can see at a glance that this is bootleg whiskey,' say you, 'why, it isn't even labelled.' Labels such as 'Export Special Liqueur,' 'Finest old Highland,' 'House of Lords,' are all printed in Montreal by a printing press that turns them out by the million."

In January, 1922, the bootlegging evil reached the point at which it involved the taking of life. In the discharge of his duty as an officer of the law a Provincial policeman was forced to a duel with a suspected thief as a result of which both men lost their lives. The double killing was thought by the police authorities to be directly traceable to the bootlegging business. "The moral," declared an Alberta journal of January 22nd, 1922, "is that bootlegging must itself be killed out." On January 17th, 1922, the Edmonton Journal declared:

"If the measures that have already been taken in Alberta to penalize the bootlegger are continued and extended as occasion may require, with fines and imprisonments of sufficient severity, the business will in due course become as unpopular as it is unsafe and foolish. It is a nasty business that needs handling with strong ungloved hands."

Early in January, 1922, an altercation took place between the Attorney-General's Department and a section of the Drug Trade over the handling of liquor. An intervention of the courts was found necessary. This moved the Government to tighten up the conditions of the Act even more drastically than it might otherwise have done. On January 19th, 1922, at Calgary, the U.F.A. made a definite announcement against the sale of liquor for beverage purposes.

In January it was announced that the total net revenue from transactions in liquor made by Alberta in 1921 was \$250,000 with a total turn-over of \$571,826, of which sum \$321,926 was reinvested in stocks.

On March 16th, 1922, the Hon. Mr. Brownlee brought forward the Government's amendments to Alberta Liquor Act, the main features of which were as follows:

1. Drug stores to be allowed to continue the sale of liquor until Government dispensaries were established after which they were to be restricted to the sale of 6-oz. bottles on prescriptions.
2. Liquor dispensaries might be opened by proclamation of the Government at such points as are deemed advisable.

3. Incorporated drug stores to be subject to the same responsibilities as privately owned drug stores.
4. The penalty for illegal possession of liquor other than in a common dwelling increased to a minimum of \$50.00 as against the former minimum of \$20.00.
5. Imprisonment for the first offence, or fine, or both fine and imprisonment provided though the fines were not increased.
6. A Liquor Act Commission to be appointed.
7. Regulation by Order-in-Council of the amount of liquor which might be sold by a vendor to any class of privileged persons and determination of the number of prescriptions which might be issued by a physician together with regulation of the maximum amount of liquor which might be prescribed.
8. A fine of from \$200 to \$1,000 to be imposed on restaurants, buffets, etc., for unlawful sale, on a first offence, a special Act also to be introduced placing these establishments under Government license.
9. The regulation of liquor export houses by special Act to provide for a tax based on the stock carried with a maximum of \$2,000 annually and a \$2.00 per gallon surtax on proof spirits in excess of 1,000 gallons.

The work of filling the prescriptions came under the Government's direct control. The Government did not take the sale of liquor out of the hands of the druggists altogether, but restricted their sales to 6-oz. bottles at points where Government dispensaries were



opened. Rev. E. S. Bishop was appointed Commissioner under this Act. It is under this Act as thus amended that the sale of liquor takes place in the Province of Alberta.

In many respects the situation was never better in regard to temperance in the Province of Alberta than it is at present. Bills 67 and 70 passed at the winter session of 1922 go a long way towards giving effective control and stopping the leakage that has been so characteristic of the wholesale liquor trade. It is, of course, impossible for the Provincial Government to legislate these warehouses out of business as they come under Federal jurisdiction. But the Provincial Government possesses the power to regulate and is determined to exercise it. The recent legislation passed by the Dominion Parliament enables the Provincial Government to take over complete control of liquor for permitted purposes. All wholesale liquor dealers in the Province have already been notified by the Attorney-General's Department of the Province that they will have to close out on March 1st, 1923. Clause 200a of the Inland Revenue Act is now in force. All bottles, casks and barrels shipped from the breweries must bear a distinct label showing the percentage of alcohol contained. The breweries have been informed through the Commissioner of Provincial Police and by the Dominion authorities that if they break the Provincial liquor law a third time their Federal license will be withdrawn. After March 1st, 1923, liquor for beverage purposes cannot be stored legally in Alberta other than in privileged places. A watchful eye is on the look-out for abuses. The Attorney-General now has the privilege of declining any application to the Dominion Government for a permit to manufacture any

article from alcohol. On the last day of the spring session of 1922 the Provincial Government had been persuaded into accepting an amendment to the Liquor Act allowing the sale of essences of alcoholic content. Abuses followed and the Provincial Government took action, making the sale of these extracts illegal by Provincial Order-in-Council. An Alberta journal thus describes this situation:

“No more tincture of orange, not even of bitter orange, and no more tincture of lavender or ginger, and no more beer, iron and wine may be sold in the Province of Alberta, Orders-in-Council to this effect having just been put into operation. Heretofore all the formulae in the British and United States pharmacopocia could be legally used here, but police records went to show that rather more of some of these tinctures were being used than were needed for the Saturday cooking, so J. A. Kelso, of the Provincial laboratory has been making an examination of these prescriptions with the result that from the British Pharmacopocia the following tinctures have been excluded: tincture of orange, tincture of lemon, compound tincture of cardamons, compound tincture of lavender, tincture of ginger, orange wine, wine of iron citrate, and from the United States pharmacopocia tincture of bitter orange peel, tincture of sweet orange peel, tincture of cardamons, compound tincture of bitter almond, spirit of juniper, compound tincture of juniper and aromatic elixir. In addition beef-iron-and-

wine has also been placed on the banned list. These cannot now be sold by drug-stores or merchants throughout the Province for any purpose."

The sale of liquor, the export of liquor, the taxation of liquor are all carefully regulated in a way that should meet with the approbation of the warmest temperance advocate. The Province has a capable Liquor Commissioner. The Secretary of Social Service of Alberta is aggressive and vigilant. The Province has never had an Attorney-General who surpassed the present one in intelligent zeal and eagerness to co-operate. The Alberta Liquor Act has been a distinct success. Drunkenness has been greatly reduced. All these are matters of the utmost importance. And yet the situation is not secure for temperance. Its foes are those of its own household. While the friends of temperance are being organized into the One Thousand Club and a certain interest fostered through the Churches, Sunday Schools, Young People's Societies, W.C.T.U. organizations, yet many are being lulled into lethargy by their own indifference and apathy. Meanwhile the foes of temperance are alert and active. The danger in Alberta is a false sense of safety. A liquor law needs a more active and generous support, a larger measure of information and education than do most laws, and, as a sage of Edmonton has expressed it, "Cold cash is often the means of expressing warm sympathy." An effort is being made to have the electors of Alberta sign a petition calling for a referendum exempting from the effect of the law beer with 3½ per cent. of alcohol by weight. Under the law in Alberta if a properly signed petition is presented to the Gov-

ernment for a referendum the Government must grant the referendum. In Calgary a small weekly paper "Liberty" was begun in the interests of a wet policy. It supported itself through recourse to baseball and football guessing competitions. The challenge of "Liberty" was promptly met by the temperance forces. The "Searchlight" did an invaluable work in drawing attention to what was implied in the above-named proposal:

"It is a very innocent looking clause, but if the petitions were a success and the referendum carried, it would practically nullify the effect of the whole Act. Take beer of  $3\frac{1}{2}$  per cent. alcohol by weight and talk about it in the language of the Liquor Act and we find that it is seven and one-half per cent. proof compared with our present  $2\frac{1}{2}$  per cent. privilege. In fact, to quote the words from the columns of "Liberty,"  $3\frac{1}{2}$  per cent. alcohol by weight has been fixed as being the strength of ORDINARY EVERY-DAY PALATABLE PRE-WAR BEER. The wets themselves admit that beer of  $3\frac{1}{2}$  per cent. alcohol by weight is the same old intoxicating beer that the opponents of intoxicating liquors voted out in 1915.

Now they have the nerve to come before the people of Alberta and try to convince them that the allowing of this beer privilege would solve the present problem of illicit sale and illicit manufacture."

This is quoted as an illustration of the tactics of the wet forces and of the need of vigilance on the part of

temperance workers. The "Liberty" movement in Calgary died a sudden death following the legislation doing away with guessing competitions. The active propaganda of the temperance workers stopped the petitions entirely. But as these words are being penned, rumour has reached the writer that the Moderation League has again commenced quietly to circulate petitions asking the Government to take over the sale of beer for beverage purposes, and this in face of the fact that the proposal for Government sale of beer and wine, introduced into the Legislature in the winter session of 1922, secured only one vote.

The need in Alberta is to support those who are charged with the responsibility of enforcing the law, to support every effort of temperance education, to keep a watchful eye on the law-breakers, and to counter every move of those who, by insidious appeals to "Liberty," "Moderation," and what-not, seek to undermine a law that is making an undoubted contribution to the sobriety of the Province.

## CHAPTER X.

### THE PRESENT SITUATION.

It will be useful to review the elements in the present situation so far as the use and regulation of liquor is concerned. The present situation is very complex, but some approach can be made to an understanding of it by an attempt to disentangle the various threads in the complicated whole. To appreciate the liquor question on the Prairies as it now presents itself the following considerations must not be forgotten,—

1. The Bar has gone and there is no public sentiment whatever that seeks its return.
2. There is no public sale of liquor on the Prairies except for the following purposes,—
  - (a) For export by liquor export houses.
  - (b) For sacramental, medicinal, manufacturing and chemical purposes.
3. There is no public importation of liquor into the Prairie Provinces, except for the purposes indicated above in 2 (b).
4. The work of the liquor export houses is becoming increasingly difficult and increasingly unimportant. Their stocks which had to be in place before February 1st, 1921, are becoming depleted. Thus in Saskatchewan there were 58 liquor export houses with a stock of 131,000 gallons. A year later there were 23 liquor export houses with only 71,000 gallons (not including 175,000 gallons in two bonded liquor warehouses under the control of the Federal Department of Customs and Inland Revenue). At the same time restrictions have been placed on the transport of liquor from branch to

branch, and the houses themselves have been confined to the larger cities.

5. There has been a manifest desire on the part of the Provincial Governments to curb the sale of liquor.
6. The Governments have established agents and Commissions to conduct the legal sale that is carried on and to prosecute illicit sale.
7. There does exist, particularly on the fringes of communities and on the frontiers and with some elements of the population that have not been wholly Canadianized, a considerable amount of home-brewing and private distilling. As this is a manufacture of liquor without license, it comes under the jurisdiction of the Dominion authorities.
8. The churches as a whole support strongly the policy of prohibition. There are individual exceptions. Thus Bishop Harding of Qu'Appelle, speaking at the Rotary Club luncheon in Yorkton on April 4th, 1922, expressed strong disapproval of the liquor laws which have been placed on the statute books of Canadian provinces within recent years. He is reported in the Saskatoon Star of April 5th to have said,—“We are all anxious for temperance and we agree that banishing the Bar was the proper thing and that the liquor traffic should be licensed and controlled and the element of profit removed therefrom. But prohibition as we have it to-day is subversive of real temperance and as reasonable, Christian men we should make a very clear distinction between temperance and prohibition.

Temperance savors of Christ and Christianity; prohibition of Mohammed and Mohammendanism. We should endeavour to create a Christian, sane, scriptural and reasonable temperance policy, one that will be beneficial to the community and in this way serve the whole community and glorify our Creator."

9. The conditions arising out of the illicit traffic in liquor across the international border have been a disgrace. Representations have been made to the Dominion Government by the Provincial Legislatures, by the temperance forces and by the churches. Sentencing a rum-runner at Estevan on March 23rd, 1922, Mr. Justice Brown declared that practically half the docket in his court was occupied with cases arising out of the rum-running business. He stated:

"I am satisfied that the situation is not fully appreciated by the Canadian people, generally speaking; otherwise we would have legislation by the Parliament of Canada that would largely remedy the matter. . . .

The matter, it seems to me, could largely be remedied by a simple piece of legislation on the part of the Parliament of Canada making it illegal to export liquor or sell liquor for export to any country or Province where prohibition is in force."

10. The newspapers in general have supported prohibition. Among these the Saskatoon Star has been foremost. There has been strong complaint on the part of the temperance workers concerning the attitude



of the Regina Leader. In a long letter addressed to this paper and appearing in its issue of March 25th, 1922, Mrs. John Anderson examines the position of the Leader. She complained of an editorial "which made an indirect but contemptible attack upon persons engaged in this work," i.e., of enforcing the Temperance Act. She protested that news items favouring dispensaries were crowded in to the exclusion of those which testified to the benefits of prohibition, and that a fair presentation of actual conditions was not given. She stated,—“You wisely say ‘Enforce the law to the hilt, while it is on the books,’ but discourage the necessary effort by saying ‘It can’t be done; the law is unenforceable.’”

11. There has been a marked decrease in the number of convictions for drunkenness since the day of the open bar, and that in face of an increase in population,—

	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.
Alberta	7,283	5,710	2,802	1,809	391	825	1,057	1,536
Sask.	2,970	2,142	1,332	1,062	770	434	618	919
Manitoba	7,493	6,193	4,154	3,114	1,085	1,128	1,570	2,330

In commenting on this situation so far as it concerns Saskatchewan, the Saskatoon Star in an editorial on April 11th, 1922, said:

“Saskatchewan has had many varieties of temperance legislation in the past ten years, starting with the Local Option law of 1912. It is interesting to follow the record of cases of drunkenness during the period, together with the law in force at the time. The various forms of legislation did not always, of course, come into force with the opening of the statistical year,

so that in some cases there is overlapping. But, for ordinary purposes, the following figures are interesting:

In 1913, when the local option campaigns started, there were 2,970 cases of drunkenness; in 1914, with local option succeeding, there were 2,142; in 1915, with local option and a banish-the-bar campaign under way, there were 1,332; in 1916, with Government liquor stores open, there were 1,062; in 1917, with Government stores closed, but free importation from other Provinces permitted, there were 770; in 1918, with free importation half the year and importation prohibited the last half, there were only 434; in 1919, with importation prohibited, there were 618; in 1920, with importation permitted, there were 919. Figures for 1921 are not yet complete, the statistical year having recently closed, but unofficial records indicate that, with importation prohibited, the number will be down again. It is difficult, in the face of these figures, to argue that prohibition does not prohibit, especially when it is remembered that we are in the period when cellars that were stocked in the wet days are still at least "moist," and the export houses and other agencies of sale have been under very little control.

People are apt to speak of bootlegging as an industry brought into existence by prohibition. As a matter of fact, the records show that there were as many cases of illegal sale in the period when the bars were open as there are to-day, and in fact more. This also

is an interesting fact, that in the year 1919, when there was complete prohibition of sale or importation of liquor, the number of cases of bootlegging was smallest. . . . Drunkenness and bootlegging are steadily, and in fact, rapidly increasing in both these Provinces (i.e., Quebec and British Columbia), with their moderation laws, while in the dry Provinces they are diminishing."

12. The efforts of the Moderation League to neutralize temperance sentiment; to have a referendum on the dispensaries, and to permit such privileges as drinking beer at tables have not as yet, at any rate, won any considerable body of support.
13. There is an increasing measure of co-operation on the part of physicians and druggists in the work of diminishing the consumption of liquor both for real and alleged medicinal purposes.
14. There is a disposition on the part of not a few citizens to regard a law relating to liquor as a law that is less binding on them than is any other kind of law. They regard it as, for instance, a greater interference with their personal liberty than a prohibitory law that has to do with the sale of drugs.
15. There is a desire on the part of certain citizens to discredit the prohibitory law. Thus in the Regina Leader of March 25th is a letter signed by one N. G. Davis, of Regina, which says in part:

"I have travelled for several years and visited most of the towns and villages in Saskatchewan, and I find there is not a single

town or village where liquor cannot be bought illegally, if you have the price. . . . It is also contended by the uplifters that there is very little home brewing done,—frankly, there is scarcely a house that one goes into that home-brew or wine of some kind is not offered to you unless you are known as a moralist. At least 75 per cent. of the people know more about brewing and distilling to-day than they ever did, or probably, to be more correct, 75 per cent. of the people have learnt how to distil and brew their own liquor as a result of present legislation. Further, it is contended that the coming generation will not want liquor on account of not knowing what the stuff tastes like, and that there will be no desire for it. This is nonsense, and if the present system is continued the next generation will produce deceit and liars of the worst type on account of the practice they are seeing to-day. The system is to blame, not the people."

16. The temperance forces of the Prairies, having won a signal victory for their cause, are somewhat inclined to relax their efforts to educate a strong public sentiment. The first is less exhilarating when one is holding a position than when one is attacking an enemy's strong point, but vigilance and the keeping up of morale are no less necessary.
17. The use of liquors at banquets and other public functions has been given up. Treating as an old convivial social habit has fallen into disuse although there are certain circles where it is regarded as smart to add to life the

piquancy of violating the statutory legislation regarding liquor.

18. A part of the plan for undermining the temperance legislation on the Prairies is to have public orators remind conventions about the disadvantages that these Provinces labour under as compared with Quebec and British Columbia in the matter of revenues. The orator adds with insidious naïveté,—“Of course they have Governmental control in those Provinces, not prohibition.”
19. A hopeful sign for united action as between Canadian and United States officials was the conference held in Regina in November, 1921. This sought to secure co-operation for the better enforcement of prohibitory legislation, particularly along the International boundary.
20. The Dominion Parliament has passed enabling legislation in the matter of liquor export houses. On the passing of a Provincial Order-in-Council in Provinces where export houses exist, the Dominion Government will put an end to those houses.
21. A new and commendable departure has been made in Saskatchewan for the control and regulation of the liquor traffic in the appointment of a Director of Temperance and Social Service. His function is to secure through education and information a larger measure of understanding and support of temperance legislation.
22. Premier Bracken has announced that there will be a referendum in Manitoba on the Government sale of liquor for beverage purposes.

THIS BOOK  
MAY NOT BE TAKEN  
FROM THE LIBRARY

The verdict of this referendum will, doubtless, greatly influence the trend of the temperance movement in the other Prairie Provinces.

23. The future of prohibition in the Prairie Provinces depends on the following factors,—

- (a) The adequate enforcement of the present laws.
- (b) A continuous policy of education.
- (c) An alert and vigilant temperance sentiment, particularly on the part of the churches.

What, it may be asked in conclusion, is the outlook for the future? There will be no return to the Bar. There will be continued the sacramental, medicinal, mechanical and chemical use of liquor. It is unlikely that the Prairies will be bone-dry in the immediate future. Habits of a life-time are not so easily sloughed off. But it is probable that drinking will be more and more outlawed. The habit-forming temptation has been largely removed from the very young. The greatest danger to the prohibitory cause of the future lies in the apathy of those who were once temperance workers,—that they will cease to educate and to inform. Prohibition alone is inadequate without the aggressive building up of a sober and sane temperance sentiment. The ultimate success of the temperance cause lies not in prohibitory legislation but in constructive edification and voluntary devotion, not in "Thou shalt not" so much as in "We will." But there is no reason why a period of prohibitory enactment should not be employed to cut away the entangling growths of custom and institutions and environment that are apt to smother and destroy the free development of the fairer growth of the life of a temperate folk.

